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ZONING ORDINANCE

City of Gilroy, California

ZONING ORDINANCE

CITY OF GILROY, CALIFORNIA

ADOPTED AUGUST 15, 1983
(Ordinance No. 83-15)

AMENDED MARCH 22, 1984
(Ordinance No. 84-4)

AMENDED OCTOBER 31, 1984
(Ordinance No. 84-21)

AMENDED JANUARY 2, 1985
(Ordinance No. 84-24)

AMENDED OCTOBER 30, 1985
(Ordinance No. 85-16)

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(Ordinance No. 86-6)

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(Ordinance No. 86-7)

AMENDED APRIL 6, 1987
(Ordinance No. 87-5)

AMENDED DECEMBER 7, 1987
(Ordinance No. 87-18)

An Ordinance of the City of Gilroy establishing certain districts within which the classes of buildings and structures and the uses thereof are limited, and in which certain yards and other open spaces are required and certain regulations are applied; defining the terms and uses herein; providing for the granting of adjustments in the application in any of the provisions hereof; prescribing penalties and remedies for any violations of the provisions hereof; and repealing Ordinances and parts of Ordinances in conflict herewith.



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TABLE OF CONTENTS

PART ONE ZONING DISTRICTS

<u>SECTION</u>	<u>#</u>
1	INTRODUCTION
2	DEFINITIONS
3	DESIGNATION AND ESTABLISHMENT OF ZONING DISTRICTS
4	A1 AGRICULTURE
5	R1 SINGLE FAMILY RESIDENTIAL
6	R2 TWO FAMILY RESIDENTIAL
7	R3 MEDIUM DENSITY RESIDENTIAL
8	R4 HIGH DENSITY RESIDENTIAL
9	RH RESIDENTIAL HILLSIDE
10	RESIDENTIAL USE TABLE
11	RESIDENTIAL SITE AND BUILDING REQUIREMENT TABLE
12	PO PROFESSIONAL OFFICE
13	C1 NEIGHBORHOOD COMMERCIAL
14	C2 CENTRAL COMMERCIAL
15	C3 SHOPPING CENTER COMMERCIAL
16	HC HIGHWAY COMMERCIAL
17	CM COMMERCIAL INDUSTRIAL
18	COMMERCIAL USE TABLE
19	COMMERCIAL SITE AND BUILDING REQUIREMENT TABLE
20	M1 LIMITED INDUSTRIAL
21	M2 GENERAL INDUSTRIAL
22	INDUSTRIAL USE TABLE
23	INDUSTRIAL SITE AND BUILDING REQUIREMENT TABLE
24	OS OPEN SPACE
25	PF PARK/PUBLIC FACILITIES
26	PUD PLANNED UNIT DEVELOPMENT (COMBINING DISTRICT)
27	HS AND HN HISTORIC SITE AND NEIGHBORHOOD COMBINING DISTRICTS
28-30	(RESERVED FOR FUTURE DISTRICTS)

TABLE OF CONTENTS
(CONT.)

PART TWO
ADDITIONAL REGULATIONS

SECTION #

31	OFF-STREET PARKING
32	YARDS
33	TRAILERS
34	FENCES AND OBSTRUCTIONS
35	ANTENNAS AND WINDMILLS
36	SWIMMING POOLS
37	SIGNS
38	LANDSCAPING AND STREET TREES
39	ACCESSORY BUILDINGS
40	HOME OCCUPATIONS
41	PERFORMANCE STANDARDS
42-44	(RESERVED FOR FUTURE SECTIONS)

PART THREE
STANDARD REGULATIONS AND PROCEDURES

SECTION #

45	GENERAL REGULATIONS
46	EXCEPTIONS
47	TEMPORARY USES
48	NONCONFORMING USES
49	POWERS OF THE PLANNING COMMISSION
50	PLANNING DEPARTMENT APPLICATIONS
51	APPLICATION REVIEW PROCEDURES
52	AMENDMENT OF ZONING ORDINANCE
53	ENFORCEMENT OF ZONING ORDINANCE
54	ADOPTION OF ZONING ORDINANCE
	INDEX

PART ONE

ZONING DISTRICTS

SECTION 1 INTRODUCTION

Section 1.10 Statement of Intent

The intent of this Ordinance is to promote and protect the public health, safety, peace, comfort, convenience and general welfare. It is adopted for the following more particular purposes:

- (a) to assist in providing a definite comprehensive plan for sound and orderly development, and to guide and regulate each development in accordance with the General Plan and the objectives and standards set forth therein;
- (b) to protect and improve the established character and the social and economic stability of agricultural, residential, commercial, industrial and other areas of Gilroy;
- (c) to provide light, air, privacy and convenience of access to property; and to promote safety from fire and other dangers;
- (d) to prevent overcrowding of land and undue congestion of population;
- (e) to regulate the location of buildings and the use of buildings and land so as to prevent undue interference with existing or prospective traffic movements on public thoroughfares;
- (f) to pre-zone unincorporated territory adjoining the City for the purpose of determining the zoning that shall apply to such property in the event of subsequent annexation to the City.

Section 1.20 Short Title

This Ordinance shall be known and referred to as the "Gilroy Zoning Ordinance."

Section 1.30 Application of the Zoning Ordinance

The Gilroy Zoning Ordinance is intended to apply to all lands, buildings and structures, regardless of ownership, within the incorporated area of the City of Gilroy.

Section 1.40 Relationship of the Zoning Ordinance and the General Plan

Section 1.41

The General Plan is a comprehensive, long-range, general policy statement for the entire community. The General Plan designates appropriate locations and densities for residential, commercial, industrial, agricultural, public, and open space uses. In comparison, the Zoning Ordinance is a specific statement of permissible uses of land by zoning district designed to control the use, type, bulk, height, space and location of buildings and land. The Zoning Ordinance is the primary tool by which the City implements the policies of the General Plan. The Zoning Ordinance is intended to be applied to the City based on land use designations established in the General Plan.

Section 1.42

The Zoning Ordinance shall be consistent with the General Plan of the City of Gilroy. Where inconsistencies do exist, the Zoning Ordinance shall control the use and development of such land until such time as the City Council revises the Zoning Ordinance to achieve consistency.

Section 1.50

The City Council shall from time to time establish, by resolution, a schedule of fees for requests for any amendment or procedure pertaining to this Ordinance. No action shall be taken on any application until all applicable fees have been paid in full. Fees collected for applications shall not be refunded unless the Planning Director determines that the application is unnecessary, invalid, or inappropriate.

SECTION 2 WORD CONSTRUCTION AND DEFINITIONS

Section 2.10 Word Construction

Words used in the present tense include the future; words in the masculine include the feminine; words in the singular number include the plural; and words in the plural number include the singular. The word "building" includes the word "structure;" and the word "shall" is mandatory and not directory. The term "City Council" shall mean the City Council of the City of Gilroy, California; the term "Planning Commission" shall mean the Planning Commission of the City of Gilroy, California, and the word "City" shall mean the incorporated area of the City of Gilroy.

Section 2.20 Definitions

For the purpose of this Ordinance certain terms used herein are defined as follows:

Abandoned Sign

A sign located on a parcel of land or on a structure either of which is vacant for a period of ninety (90) days, a sign pertaining to a past occupant or business different from the present occupant of or business on the premises, a sign pertaining to a past event or any sign abandoned as the term is used in the law of California.

Abutting

Land having a common property line or district boundary line or separated only by a private street, alley or easement.

Accessory Building (or structure)

A detached subordinate building, the use of which is incidental to that of the main building on the same lot, or the use of the land of the same lot.

Accessory Dwelling Unit

A second unit on a parcel occupied by a single family residential use, equipped with kitchen facilities, attached to the main building and designed for use in conjunction with the main building (residence).

Accessory Use

A use subordinate to the principal use on the same lot and serving a purpose customarily incidental to and not affecting the characteristics of the principal use.

Adult Entertainment Establishments

Any establishment or place of business where any individual, firm, association, partnership, corporation, joint venture or combination of individuals engages in, conducts, operates, carries on or permits to be engaged in, conducted, operated or carried on any adult entertainment enterprise regardless of whether any other use is also conducted on the premises.

Adult Entertainment Enterprises

Any business activity where films, motion pictures, video cassettes, slides or similar photographic reproductions of sexual anatomical areas (as defined) or sexual activities (as defined) are furnished or viewed for a fee or charge; or there exists the opportunity to paint, feel, handle, touch, to be in the presence of, be entertained by the display of such anatomical areas or sexual activities; or be so painted, felt, handled, touched or observed by another person; or to observe, view or photograph any such activity. Also includes any business activity wherein a substantial part of the commercial operation consists of the sale or dissemination of paraphernalia and apparatus which aid or assist in the stimulation and/or performance of sexual activity.

Adult entertainment enterprises include, but are not limited to the following business activities and similar activities: nude encounter studios, adult or nude dance studios, adult or nude exhibitions, peep shows, nude wrestling centers, and adult or nude art or photography studios.

Adult entertainment enterprises do not include: physicians, surgeons, chiropractors, osteopaths or physical therapists who are duly licensed to practice their respective Professions in the State of California; nurses registered under the laws of the State of California; barbers and beauticians who are duly licensed under the laws of the State of California; any activity conducted or sponsored by any public agency, or by any school licensed by the State of California or any activity conducted by a person pursuant to any license issued by the State of California or any agency thereof charged with the responsibility of licensing, prescribing standards for the supervising such activity or profession.

Advertising

Any announcement, description or presentation calling public attention to goods or services offered for sale.

Agency

An office or commercial establishment in which goods, material or equipment is received for servicing, treatment or processing elsewhere.

Agent of Owner

A person who can show written proof of authorization to act for a property owner.

Agriculture

Farming, dairying, pasturage, apiaries, horticulture, floriculture, viticulture and animal or poultry husbandry, but not including the commercial feeding of garbage or offal to swine or other animals.

Alley

A public access driveway or lane not exceeding thirty (30) feet in width which provides only a secondary means of access to abutting property.

Animal Hospital

A facility providing medical care for small and/or large animals which includes boarding the animals two or more days.

Antenna

A "conductor" erected for the transmission and/or reception of radio, television or other electromagnetic or microwave signals.

Apartment House

Any building or portion thereof which is designed and built for rental occupancy by three or more families.

Arcade

Arcade means any public place of amusement or public place of business in which five or more mechanical amusement devices are installed, and includes any place open to the public, whether or not the primary use of the premises is devoted to the operation of such amusement devices.

Attached Sign

A sign which is affixed to and made an integral part of a building or structure. Attached signs include wall signs, roof signs, and projecting signs, to distinguish them from freestanding and monument signs.

Average Slope

The mean slope in the elevation of an area of land, determined by the formula:

$$S = \frac{.00229 \text{ I L}}{A} \text{ where}$$

S = Average percentage slope

I = Contour interval in feet

L = Summation of individual contour lengths in scale feet

A = Gross area of property in acres

Awning

A shelter, projecting over a property, supported entirely from the exterior wall of a building and composed of a collapsible frame covered completely with non-rigid material.

Banner

A temporary advertising display consisting of fabric, canvas, plastic or paper material, which is attached to a building.

Basement

A useable space within a building, partly or wholly underground, and having more than one half of its height, measured from its floor to its finished ceiling below the average adjoining grade. (See also Story.)

Bed and Breakfast Establishment

A residential structure, built prior to 1940, used as a lodging establishment in which the manager is an occupant in the structure and receives compensation in exchange for providing overnight sleeping accommodations which contain no cooking facilities, on a less than weekly basis, and in which breakfast is included as part of the basic compensation.

Billboard

A sign, other than a directional sign, which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a place other than on the parcel where the sign is erected. Included are signs erected upon benches.

Block

The area consisting of all property abutting one side of a street, between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, dead-end street, City boundary or undivided acreage.

Boarding House

A building or portion thereof, other than a hotel, where lodging and regular meals for three or more persons are provided for compensation or profit.

Building

A structure having a roof supported by columns and/or walls and intended for the housing or shelter of any persons, animals or chattel.

Building Coverage

The land area covered by all of the main and accessory buildings on a lot, including all projections except eaves, and including enclosed drive-up areas, patios and porches, measured from the support posts.

Building Height

The vertical distance measured from the average finished soil grade at the base of any exterior wall to the highest point of the roof, ridge, or parapet wall.

Building Site

The land area of a lot which may be occupied by the permitted main building.

Build-out Schedule

The maximum number of residential units assigned to each development proposal for which building permits may be issued each calendar year. The total of all assigned build-out schedules, for each year, shall not exceed the Numerical Limit set by City Council resolution for that calendar year.

Bulletin Board

A sign located on the same premises and used solely in connection with activities of a church, school, hospital, or public building, and allowing changeable messages.

Business

A commercial entity operating in the City of Gilroy with an approved Business License.

Business Frontage

The portion of a building which faces and has access to a street, parking lot, pedestrian mall, or walkway. The primary business frontage is one which contains a customer entrance or which includes a glass-enclosed showroom. If a building has more than one business frontage with a customer entrance, the property owner must designate one of them as the primary business frontage. Unless otherwise stated, the phrase "business frontage" means "primary business frontage". All other business frontage is secondary frontage.

Card Rooms

An establishment where legal gambling is conducted and regulated pursuant to City of Gilroy ordinances.

Caretaker's Quarters (or Residence)

A non-rental residential unit built as part of a commercial or industrial use for the sole purpose of providing shelter for an employee, caretaker, or security personnel for the commercial or industrial use.

Carport

A shelter for one (1) or more automobiles which is not enclosed on at least two (2) sides by walls and doors.

City Council

The elected City Council of the City of Gilroy.

Clustering

The practice of grouping residential units within a close proximity, and utilizing the surplus land thus saved for common open space, landscaping, recreation, etc.

Combining District

A zoning district within which certain regulations and requirements apply in addition to, and in combination with, regulations and requirements of the base zoning district.

Common Open Space

The area generally used for landscaping and/or recreation which is held in joint ownership by all of the owners of a condominium development and which is jointly maintained by the owners.

Competitive Evaluation

The process of comparing the Project Rating Scale point rating of projects in order to determine priority in receiving yearly allocation of dwelling units.

Condominium

A distinct unit, under separate ownership, which is a portion of a multiple-unit, building or development in which such ownership includes an interest in common areas. Condominium units may have one (1) or more common walls with other units.

Conservation Land

Land which possesses or encompasses natural resources. This includes, but is not limited to, streams, watersheds, groundwater recharge, soils, wildlife habitat as defined herein, special land forms and natural vegetation.

Construction Sign

A sign located on a construction site during the course of construction, which identifies the architects, engineer, contractors, financiers or other persons and other individuals or firms involved with the construction, or announcing the building, enterprise or function for which the construction is intended.

Corner Lot

A lot bounded on two (2) or more contiguous sides by City streets.

Corner Triangle

A triangular-shaped area bounded by the intersection of the tangential extension of front and side property lines as formed by the intersection of two (2) public rights-of-way abutting the said property lines; the third boundary of the triangular-shaped area shall be a line connecting the front and side property lines at a distance of forty (40) feet from the intersection of the tangential extension of front and side property lines.

Corporate Office

An office complex designed as the headquarters of a commercial or industrial corporation.

Day Care Center

A facility in which the primary use is the provision of childcare services in accordance with the regulations of the State of California.

Day Care Home

A resident-occupied dwelling in which twelve (12) or fewer children are cared for by a State/County licensed day care provider.

Deck

A structure, usually of wood, built to extend the finished floor surface of a building into outdoor areas.

Director of Planning

See Planning Director.

Dish Antenna

An antenna which has a solid, mesh, or nearly-solid surface area greater than five (5) square feet.

Double-Faced Sign

A sign designed to be viewed from two directions and which at no point is thicker than twenty-four (24) inches measured from the exterior surface of each face. The two faces of a double-faced sign are either parallel or the angle between them is thirty degrees (30°) or less.

Drive-In

An enterprise or business activity or other use of land consisting of sales or service activity rendered to patrons who normally receive the products or services while in automobiles upon the premises, including, but not limited to, automobile service stations, drive-in restaurants and drive-up banks.

Duplex

A building designed for and intended to be occupied as living quarters by two families living independently of each other.

Dwelling or Dwelling Unit

A building or mobile home designed for and/or occupied as a residence by one (1) or more families.

Dwelling Group

A group or two (2) or more detached residential buildings occupying a parcel of land in one (1) ownership.

Entity

A person or distinct business enterprise. Where adjacent business enterprises are owned or operated by a single person, each enterprise is an entity.

Environmental Assessment

The process of determining the impact of proposed projects on the environment. The review process is carried out in accordance with the California Environmental Quality Act and City Guidelines.

Erect

To build, construct, place, relocate, enlarge, alter, attach, suspend, paint, post, display, hang, affix or maintain a sign or other structure.

Family

One or more persons, occupying premises and living together as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, or sorority.

Fascia

A flat horizontal band with a vertical face located on a building below the roofline.

Fence (or Wall)

Any structure made of wood, metal, masonry, shrubbery or other material forming a physical barrier which supports no load other than its own weight and which is designed to delineate, screen or enclose a field, yard, lot or other land area.

Fence Height

Fences in the front setback area:

The vertical distance from the top of the curb closest to the fence or wall to the top of the fence or wall.

All other fences:

The difference in elevation of the ground surface continuously along the base of the ground level of the higher side of the fence to the top of the fence. Where a fence is erected on top or within three (3) feet of a retaining wall the height of the fence shall include the retaining wall.

Freestanding Sign

A sign which is wholly or partly supported by a structural element which is not an integral part of a building. Portable signs and signs on fences shall be considered freestanding signs.

Freeway

A limited access highway, as defined in the California Street and Highways Code.

Front Lot Line

The property line along a lot's street frontage. If any official plan line has been established for the street upon which the lot fronts, the official plan line shall be considered the front lot line. For developed lots with more than one street frontage, the street frontage towards which the main building fronts shall be considered the front lot line, except if the main building was clearly constructed under reverse conditions. If the lot is vacant, the shortest street frontage shall be considered the front lot line.

Front Yard

The required setback area extending across the front of the lot between the side yard lines and measured from the front lot line to the front setback line.

Garage - Residential

An attached or detached accessory building used for the storage of vehicles or trailers by the families who reside upon the premises, including any covered parking space or carport.

Garage - Commercial

A building designed or used on a commercial basis for the temporary storage of operable motor vehicles.

Gross Floor Area

The sum of all of the areas of all levels or stories of a structure as measured from the exterior faces of the walls enclosing the structure.

Ground Sign

A freestanding sign less than five (5) feet high which can be either portable or permanently fixed to the ground.

Guest House

A detached living quarters of a permanent type and construction without kitchens or cooking facilities, and for which no compensation in any form is received or paid.

Hedge

Plants, trees or shrubs planted in a continuous line to form a dense thicket or barrier. For the purpose of this Ordinance, a hedge is a fence.

Home Occupation

A business activity conducted entirely within or from an enclosed dwelling.

Hotel

Any building, portion of a building, or group of buildings containing guest rooms which is designed, used or intended for use for the accommodation of transients on a commercial basis.

Identification Sign

A sign which is limited to the name and address of a business, institution or person and to the activity or product carried on in the business or institution or the occupation of the person.

Interior Lot

Any lot other than a corner lot.

Junkyard

An area of one hundred (100) square feet or more, including wrecking yards, used for the storage or dismantling of junk, scrap metals, materials salvaged from wrecked or demolished buildings, automobiles, machinery or equipment.

Key Lot

The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, and fronting on the street which intersects or intersects the street on which the corner lot fronts.

Laundromat

A place where patrons wash, dry or dryclean clothing or other fabrics in machines operated by the patron.

Living Area

The interior habitable area of a dwelling unit, including basements and attics, and excluding garages.

Lot

A parcel of land under one ownership used or capable of being used under the regulations of this Ordinance, and including all required yards and other open spaces.

Lot Area

The computed area contained within the lot lines of a parcel as recorded under a Record of Survey Map, approved as provided in the Subdivision Map Act, except that the access strip of a flag lot shall be excluded in the computation of required lot area.

Lot Coverage

That portion of a lot covered by all main and accessory buildings on the lot.

Lot Depth

The average distance from the front lot line to the rear lot line.

Main Building

The largest building on a lot in which the principal land use of the lot takes place.

Manufactured Housing

Housing which was structurally assembled in a remote location and transported to its eventual site.

Marquee

A temporary or permanent roofed structure usually projecting above an outer door and attached to or supported by a building, which is designed for use as a readerboard sign.

Mechanical Amusement Device

Any machine, device, apparatus or other instrument (including but not limited to electronic games, marble games and pinball games) the operation of which is permitted, by the payment of any fee or fees for its use, and the use or possession of which is not prohibited by any laws of the State of California.

Mobile Home

A type of manufactured housing, designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be transported, whether or not such structure actually has, at any given time, such wheels attached. Mobile homes do not include recreational vehicles, trailers, or commercial coaches.

Mobile Home Park

A lot or parcel of land used or designed or intended to be used for accommodation of two or more mobile homes, in which spaces are rented or owned in a condominium complex or cooperative.

Monument Sign

A low-profile, freestanding sign seven (7) feet or less in height.

Motel

A building or group of buildings on the same lot, containing guest rooms, used or designed for use for the accommodation of transients on a commercial basis, which are independently accessible from the outside. The term includes any building or building groups designated as an auto court, motor lodge, or tourist court.

Motor Home

A self-powered vehicle designed, equipped or used as a dwelling or for living or for sleeping purposes.

Multi-Faced Sign

A multi-faced sign is a sign, including advertising statuary, which has four (4) or more faces and which is designed to be viewed from more than two (2) directions.

Multiple Family Building

A building or structure designed and intended to be occupied as living quarters by three (3) or more families, living independently of each other.

Neighborhood Recreational Facility

A land use designed to provide recreational, aesthetic, ornamental, horticultural (e.g. community garden) or childcare services to local residents at a neighborhood scale.

Non-Conforming Building

A building or structure or portion thereof lawfully existing on the effective date of this Ordinance, which does not conform to the property development standards of this Ordinance for the zoning district in which it is located.

Non-Conforming Lot

A lot existing on the effective date of this Ordinance or amendment to this Ordinance, that does not conform to the lot requirements of this Ordinance.

Non-Conforming Sign

A sign which was lawfully erected but does not comply with this Ordinance due to annexation of the property to the City, or amendment to the Zoning Ordinance or Map by a person other than the owner of the real property on which the sign is erected. Does not include signs which were lawfully erected but which do not comply with this Ordinance due to division of real property on which the sign is erected, alterations to any building on the parcel where the sign is located, or rezoning by the owner of the real property where the sign is located.

Non-Conforming Uses

A utilization or occupancy of any site lawfully utilized or occupied on the effective date of this Ordinance or amendment to this Ordinance, which is not a permitted use for the district in which it is located, according to this Ordinance.

Numerical Limit

The total number of dwelling units for which building permits may be issued within the City during a given calendar year. The Numerical Limit is set by resolution of the City Council.

Off-Site Sign

A sign, such as a billboard, which is not located on the same parcel of land as the entity or product it advertises.

Open Space

Any parcel or area of land essentially unimproved or in its natural state and which is designated in the General Plan for and devoted to an open space use including, but not limited to, public recreation, enjoyment of scenic beauty, conservation or use of natural resources, production of food or fiber, protection of man and his artifacts, buildings or property because of environmentally hazardous areas, containment and structuring of urban development, and preservation of historical sites.

Park

See Public Park.

Parking Lot

An area of land, a yard, or other space on a lot legally used for and designed for access and parking by standard motor vehicles.

Parking Space

Land or space which is owned, paved, laid out for, and used or designed to be used for a standing vehicle

Person

Includes any individual, city, county or city and county; partnerships, corporations, cooperatives, association, trust or any other legal entities.

Planning Commission

The Planning Commission of the City of Gilroy.

Planning Director

The person employed by the City as Department Head of the Planning Department of the City of Gilroy. The Planning Director also serves as Zoning Administrator and Secretary of the Planning Commission.

Political Sign

A sign which is intended to influence the vote for the passage or defeat of a measure, or nomination, election or defeat of a candidate in any governmental election.

Portable Sign

A sign which is movable, not structurally attached to the ground, nor attached to a building. Such sign may or may not be in the configuration of a "A".

Project Rating Scale

A measuring device, composed of a number of general and specific rating criteria relating to project design, location, and other characteristics, used for assigning point ratings to proposed residential projects.

Projecting Sign

A sign erected on the wall of a building or structure, or suspended from an overhang, with display surfaces generally not parallel to the wall.

Public Park

A park, playground, swimming pool, or athletic field within the City of Gilroy which is under the control, operation, or management of the City or County Parks and Recreation Department or the Gilroy Unified School District.

Readerboard Sign

A sign which is designed for manual or electrical changing of copy.

Realty Sign

A sign of a temporary nature which pertains to the sale, lease, rental, or display of existing lots or buildings or other facilities.

Rear Yard

The required setback area extending across the full width of the lot and measured between the rear lot line and the rear setback line.

Recreational Vehicle

A vehicular unit not exceeding forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, primarily designed as temporary living quarters for recreational, camping or travel use. Such a vehicle either has its own motive power or is designed to be mounted on or drawn by an automotive vehicle. Recreational vehicle includes motor homes, truck campers over seven (7) feet in height, travel trailers and camping trailers, but not vans or trucks with campers less than seven (7) feet in height.

Religious Institution

A building which is used primarily for religious worship and related religious activities

Residential Care Home

A resident-occupied dwelling, licensed by the State/County, in which children and/or adults are cared for on a full-time, live-in basis.

Residential Project

A development project which will result in the construction of new dwelling units in the City. Residential projects include single family, multiple family, mobile home and condominium dwelling units. Such projects may or may not involve the subdivision of land.

Retaining Wall

A wall designed to contain soil on one side of the wall which is at a higher elevation than that on the other side of the wall.

Ridgeline

The highest point along the crest of a hillside from which the contours descend in at least two directions.

Roof Sign

An attached sign erected on a roof or projecting above the eave or rake of a building or coping of a parapet. A sign erected on top of a canopy, covered passageway, awning or marquee shall be considered a roof sign.

Scenic Land

Any area of land or water with natural scenery considered to have beauty as designated in the General Plan.

School

An institution of learning for minors, whether public or private, which satisfies compulsory education laws of the State of California and/or offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a kindergarten, elementary school, junior high school, senior high school, or a special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

Setback Line

A line established by this Ordinance to govern the placement of a building or a structure with respect to its lot boundary lines.

Sexual Anatomical Areas

Human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola, which are less than completely covered or opaquely covered; or human male genitals in a discernably turgid state, even if completely covered.

Sexual Activities

Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Shopping Center

A commercial center having at least four (4) distinct business occupants.

Side Yard

The required side setback area between the side lot line and the side setback line, and extending from the front lot line to the rear lot line.

Sign

Any writing, pictorial, representative, symbol, registered trademark, flag (other than the United States or California flags) or any similar figure used to identify, announce, direct attention, or advertise or communicate, together with any material or color forming an integral part of the display or used to differentiate the sign from the background, which is located on private or public property and is visible from outside a building. Includes all parts, portions, units and materials, together with frames, delineated background, structure, support or anchorage for same, which is temporarily or permanently placed, erected, constructed, posted, painted, tacked, nailed, glued, carved, hung, strung or otherwise fastened or affixed to the ground or to any post, fence, building structure, wall, roof or tree.

Sign Area

The entire area within a single continuous perimeter of not more than eight (8) straight lines forming right angles enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display, or used to differentiate such sign from the background against which it is placed. The supports, uprights or structure on which any such sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are or is designed in such a manner as to form an integral background of the display. In computing maximum permissible sign area, all signs designed or likely to be seen from off the premises upon which the signs are located or proposed to be located shall be included in determining conformance with this Ordinance. For three (3) dimensional signs, the sign area of one side, and the sign area of the side perpendicular to the first side, are calculated in the manner prescribed above, and combined to become the total sign area.

Sign Height

The vertical distance from the soil level of the surrounding area to the highest point of the sign or any vertical projection.

Sign Value

Valuation of a particular sign as stated on the Sign Permit Application. If this information is not available, or if evidence satisfactory to the Planning Director demonstrates that the stated value is erroneous, then the valuation of that sign shall be arrived at by the Planning Director who shall consider the evidence submitted and compare the particular sign with one or more existing signs in the City of similar age and construction

Single Family Dwelling

A building or portion of a building designed for occupancy by one family constituting a single housekeeping unit having only one kitchen, but not including a boarding house, motel or hotel.

Slope-Density

A system under which residential densities are determined by a formula based on the average slope of the contours of the area. (See Average Slope.)

Solar Energy System

Any structural design feature, solar collector or other energy device, the primary function of which is to provide for the collection, storage or distribution of solar energy.

Sound Wall Fence

A wall fence, constructed of materials such as concrete block, brick, stone, concrete, steel or stucco, designed to reduce the level of nearby sounds.

Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof thereof. For any finished floor level which is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, the space directly below shall be considered a story.

Street

A public or permanent private right-of-way, thirty (30) feet or more in width, which affords a primary means of access to property.

Street Frontage

The length of a site along or fronting on a street or other principal thoroughfare but not including such length along an alley, watercourse, railroad right-of-way or limited access roadway or freeway.

Structural Alteration

Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists, ceiling joists or roof rafters.

Structure

Anything constructed or erected upon the ground or attached to such construction having location on the ground, but excluding swimming pools and uncovered paved areas such as patios and parking lots.

Temporary Business Establishment

An activity involving the sale or display of merchandise in the open, in a vehicle, or in a temporary building or structure, or for a limited time in a permanent building or structure.

Temporary Sign

A sign, usually constructed of light materials, displayed for thirty (30) days or less.

Townhouse

A condominium dwelling unit which is the sole dwelling unit on a separate parcel of land, with no dwelling units above or below it.

Trailer

A vehicle without motive power not exceeding forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, including a boat mounted on a trailer, designed so that it can be drawn by a motor vehicle, to be used for the carrying of boats, persons, cargo or animals.

Triple-Faced Sign

A three (3) sided sign designed to be viewed from more than two (2) directions, and which forms a triangular shape.

Use

The purpose for which land or a building is occupied or maintained, let or leased.

Veterinarian Office

An office providing medical care for small animals where the animal holding facilities are totally enclosed and the animals are boarded overnight only.

Wall Sign

A sign erected on a wall or fascia of a building or structure (other than a structure whose main purpose is to support a sign), the face of which is parallel to the wall or fascia and all of which is below the coping of the parapet, the top of the fascia, the eave line or below the top of the wall on which it is mounted. A sign which meets the definition of this Section but is erected between posts, pillars, or columns which support a roof or second story, rather than on a wall, is also a wall sign.

Wildlife Habitat

Any area of land or water valuable or necessary for the preservation or enhancement of wildlife resources.

Window Sign

A sign which is displayed in or through a window, and is visible from a street, walkway, parking lot, or pedestrian plaza, any of which is accessible to the public.

Wire Mesh Fencing

Fence material which derives its strength from metal strands crossing in a regular pattern, including, but not limited to, those materials known as chain link or chicken wire, but does not include ornamental wrought iron fencing.

Zoning Administrator

See Planning Director.

SECTION 3 DESIGNATION AND ESTABLISHMENT OF ZONING DISTRICTS AND COMBINING DISTRICTS

Section 3.10 Designation of Zoning Districts

The classes of zoning districts into which the City may be divided are hereby established, and designated as follows:

A1 AGRICULTURE DISTRICT
R1 SINGLE FAMILY RESIDENTIAL DISTRICT
R2 TWO FAMILY RESIDENTIAL DISTRICT
R3 MEDIUM DENSITY RESIDENTIAL DISTRICT
R4 HIGH DENSITY RESIDENTIAL DISTRICT
RH RESIDENTIAL HILLSIDE DISTRICT
P0 PROFESSIONAL OFFICE DISTRICT
C1 NEIGHBORHOOD COMMERCIAL DISTRICT
C2 CENTRAL DISTRICT COMMERCIAL DISTRICT
C3 SHOPPING CENTER COMMERCIAL DISTRICT
HC HIGHWAY COMMERCIAL DISTRICT
CM COMMERCIAL INDUSTRIAL DISTRICT
M1 LIMITED INDUSTRIAL DISTRICT
M2 GENERAL INDUSTRIAL DISTRICT
OS OPEN SPACE DISTRICT
PF PARK/PUBLIC FACILITIES DISTRICT

Section 3.20 Designation of Combining Districts

In addition to the foregoing zoning districts, certain combining districts are established which, when combined with one of the foregoing zoning districts, modifies the basic development requirements in such district. The combining districts are as follows:

PUD PLANNED UNIT DEVELOPMENT COMBINING DISTRICT
HS HISTORIC SITE COMBINING DISTRICT
HN HISTORIC NEIGHBORHOOD COMBINING DISTRICT

Section 3.30 Establishment of Districts

The classes of zoning districts and combining districts as designated in this Ordinance and the regulations pertaining thereto are hereby applied to the land areas of the City as delineated on the Zoning Map of the City of Gilroy and the lands so designated shall be subject to the regulations of this Ordinance.

Section 3.40 Zoning Map

The official zoning map of the City, which delineates the above-described zoning and combining districts, is declared a part of this Ordinance and shall constitute the official description of the location of each district in the City.

Section 3.50 Determination of Zone Boundaries

Where uncertainty exists as to the boundaries of any of the zoning districts as shown on the Zoning Map, the following rules of interpretation shall apply:

- (a) Lands not included within the boundaries of any district shall be designated A1 districts.
- (b) Lands hereafter annexed to the City shall constitute A1 districts unless otherwise classified through rezoning at the time of annexation.
- (c) Where boundary lines are indicated as following streets and alleys, they shall be construed as following the center lines thereof.
- (d) Where district boundaries are indicated by approximately following lot lines, such lines shall be construed to be such boundaries.
- (e) Where a district boundary divides a lot the location of such boundary shall be determined by use of the scale appearing on the Zoning Map, unless the boundary is indicated by dimensions.
- (f) A symbol indicating the classification of the property on the Zoning Map shall in such instance apply to the whole of the area within the district boundaries.
- (g) Where a public street, alley or parcel of public land is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacated or abandoned street or alley, unless specifically zoned otherwise.
- (h) In case of further uncertainty, the Planning Commission shall determine the specific location of such boundaries.

SECTION 4 A1 AGRICULTURE DISTRICT

Section 4.10 Statement of Intent

This Section of the Zoning Ordinance is intended to provide for areas within the City which may be used for agricultural purposes. The lands in the A1 Agriculture District are expected to be urbanized ultimately in accordance with the General Plan. At present, however, these lands provide areas for agricultural activities. The minimum lot size is intended to preserve lots in sizes suitable for agricultural use and potential urban development. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in an A1 Agriculture District.

Section 4.20 Permitted Uses and Conditional Uses

Land in the A1 Agriculture District may be used as provided in the Residential Use Table, Section 10 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 4.30 Site and Building Requirements

The Lot, Yard and Height and Additional Requirements in the A1 Agriculture District shall be as established in the Residential Site and Building Requirement Table, Section 11 of this Ordinance.

Section 4.40 Density

The maximum density in the A1 Agriculture District shall be one dwelling unit per lot. (Accessory dwelling units may be allowed under the regulations prescribed in Section 10.30.) This density limitation is intended to provide for an average density of less than one unit per twenty (20) acres.

SECTION 5 R1 SINGLE FAMILY RESIDENTIAL DISTRICT

Section 5.10 Statement of Intent

This Section of the Ordinance is intended to provide areas within the City which may be used for single family and very low density clustered housing. The average density is intended to be less than seven and one-fourth (7 1/4) dwelling units per acre. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in an R1 Single Family Residential District.

Section 5.20 Permitted Uses and Conditional Uses

Land in the R1 Single Family Residential District may be used as provided in the Residential Use Table, Section 10 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 5.30 Site and Building Requirements

The Lot, Yard and Height and Additional Requirements in the R1 Single Family Residential District shall be as established in the Residential Site and Building Requirement Table, Section 11 of this Ordinance.

Section 5.40 Density

The maximum density in the R1 Single Family Residential District shall be one (1) single family detached unit per lot. (Accessory dwelling units may be allowed under the regulations prescribed in Section 10.30.)

Section 5.50 Site Design Requirements

Section 5.51

Single family dwelling units shall have at least three (3) of the following five (5) design elements different from single family dwelling units on any adjacent lot on the same street frontage:

- (a) Floor plan.
- (b) Front elevation.
- (c) Roof design.
- (d) Exterior materials.
- (e) Reversed floor plan.

SECTION 6 R2 TWO FAMILY RESIDENTIAL DISTRICT

Section 6.10 Statement of Intent

This Section of the Ordinance is intended to be used primarily within the established neighborhoods of the City to provide a mix of duplexes and single family dwellings. The average density is intended to be less than nine (9) dwelling units per acre. It is intended that this will provide for the replacement of severely deteriorated structures while maintaining the low density residential character of the older neighborhoods. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in an R2 Two Family Residential District.

Section 6.20 Permitted Uses and Conditional Uses

Land in the R2 Two Family Residential District may be used as provided in the Residential Use Table, Section 10 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 6.30 Site and Building Requirements

The Lot, Yard and Height and Additional Requirements in the R2 Two Family Residential District shall be as established in the Residential Site and Building Requirement Table, Section 11 of this Ordinance.

Section 6.40 Density

The maximum density shall be one (1) dwelling unit per four thousand (4000) square feet of land to a maximum of two (2) units per lot; except for lots created prior to September 15, 1983, for which the maximum density shall be one (1) dwelling unit per three thousand five hundred (3500) square feet of land to a maximum of two (2) units per lot.

Section 6.50 Site Design Requirements

Section 6.51

The main entrance to each dwelling unit shall not face any alley, nor shall any main entrance which faces a side lot line be within twelve (12) feet of such side lot line.

Section 6.52

Each parking area which provides parking for more than four (4) automobiles shall have access from a street.

SECTION 7 R3 MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 7.10 Statement of Intent

This Section of the Ordinance is intended to provide areas within the City for living environments which include primarily multi-family housing units, such as garden apartments and condominiums. The unit size regulation based on lot size is intended to create an average density less than sixteen (16) dwelling units per net acre. Innovative residential development is strongly encouraged in order to provide a wide variety of housing types and costs to meet the needs of Gilroy's residents. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in an R3 Multiple Family Residential District.

Section 7.20 Permitted Uses and Conditional Uses

Land in the R3 Multiple Family Residential District may be used as provided in the Residential Use Table, Section 10 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 7.30 Site and Building Requirements

The Lot, Yard and Height and Additional Requirements in the R3 Multiple Family Residential District shall be as established in the Residential Site and Building Requirement Table, Section 11 of this Ordinance.

Section 7.40 Density

The number of dwelling units in a multiple dwelling or dwelling group shall not exceed the number obtained by dividing the area of the building site by the following:

- (a) Two thousand (2000) square feet of land for each one bedroom unit.
- (b) Two thousand seven hundred (2700) square feet of land for each two (2) bedroom unit.
- (c) Three thousand four hundred (3400) square feet of land for each unit containing three (3) or more bedrooms.

Section 7.50 Site Design Requirements

- (a) If two (2) or more structures are constructed with less than six (6) feet clearance between them, they shall be considered as one structure for the purpose of this and other ordinances of the City of Gilroy.
- (b) Eighty (80%) of the ground floor dwelling units in a dwelling group shall have a fenced private yard area of at least one hundred fifty (150) square feet.

SECTION 8 R4 HIGH DENSITY RESIDENTIAL DISTRICT

Section 8.10 Statement of Intent

This Section of the Ordinance is intended to be applied in areas of the City where group dwellings and apartments, up to a maximum of thirty (30) dwelling units per net acre, are the logical and desirable uses, due to environmental conditions and proximity to community service facilities. It is intended that these areas of high density multiple family residential use be scattered throughout the City, rather than concentrated in a few areas. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in an R4 High Density Residential District.

Section 8.20 Permitted Uses and Conditional Uses

Land in the R4 High Density Residential District may be used as provided in the Residential Use Table, Section 10 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 8.30 Site and Building Requirements

The Lot, Yard and Height and Additional Requirements in the R4 High Density Residential District shall be as established in the Residential Site and Building Requirement Table, Section 11 of this Ordinance.

Section 8.40 Density

The maximum density shall be one (1) dwelling unit per one thousand five hundred (1500) square feet.

Section 8.50 Site Design Requirements

If two (2) or more structures are constructed with less than six (6) feet clearance between them, they shall be considered as one structure for the purpose of this and other ordinances of the City of Gilroy.

SECTION 9 RH RESIDENTIAL HILLSIDE DISTRICT

Section 9.10 Statement of Intent

The intent of this Section is:

- (a) To protect the public health, safety, and welfare in regard to hillsides and hillside development;
- (b) To protect the aesthetic views and vistas of surrounding hillsides, hilltops and ridgelines;
- (c) To protect the natural settings and terrain of Gilroy's hills and valleys; and
- (d) To coordinate with regional and County plans, and implement all City policies, guidelines, and plans pertaining to hillside development.

This Section shall provide a special zoning district which is sensitive to the special considerations of those areas within the City of Gilroy which are generally at greater than ten percent (10%) average slope.

The following regulations, except to the extent that they may be modified by a combining district, shall apply to those districts that are specifically designated as being in an RH Residential Hillside District, and shall be subject to all of the general provisions of this Ordinance. In addition, all provisions set down under Section 50.50 (Planned Unit Development Approval) shall also be applied to all parcels specifically designated as being within an RH Residential Hillside District.

Section 9.20 Permitted Uses and Conditional Uses

Land in the RH Residential Hillside District may be used as provided in the Residential Use Table Section 10 of this Ordinance. Other uses may be approved according to planned unit development (PUD) approval which shall be obtained according to the provisions of Section 50.50 of this Ordinance.

Section 9.30 Site and Building Requirements

Section 9.31 Yard Requirements

All yard requirements shall be as specified in the planned unit development (PUD) approval which shall be obtained according to the provisions of Section 50.50 of this Ordinance.

Section 9.32 Building Visibility and Height Requirements

No structure shall be constructed in any hillside zone in such a way that it is silhouetted against the skyline when viewed from the valley floor below the hillside. Any structure built so that the peak of the roof is within twenty (20) feet in height of the hillside ridgeline shall be limited to fifteen (15) feet in height, or one (1) story. If the structure is screened by existing trees or vegetation, it shall be limited to (30) feet in height, or two (2) stories, at any one point. No existing trees or vegetation may be removed except according to the provisions of Section 50.50. All other building height requirements shall be as specified in the planned unit development approval which shall be obtained according to the provisions of Section 50.50 of this Ordinance.

Section 9.33 Slope Requirements

No construction of any building shall occur on any portion of any parcel where the average slope of that portion covered by the structure exceeds thirty percent (30%) slope. For slopes over fifteen percent (15%), a special foundation design based on soils tests, approved by the City Engineer, shall be required in order to preserve the integrity of the hillside slope.

Section 9.34 Additional Requirements

Any additional requirements including, but not limited to, parking, signing, landscaping and fence requirements, shall be as specified in the planned unit development approval which shall be obtained according to the provisions of Section 50.50 of this Ordinance.

Section 9.40 Density

The number of acres per dwelling unit (a) shall be determined by the average slope (s) based on the formula:
$$a = \left(\frac{1}{1-.02s} - \frac{3}{4} \right),$$

with a maximum of two (2) acres/unit. The number of dwelling units allowed for development on a given parcel would be calculated by the formula:

$$\frac{A(\text{acres})}{a(\text{acres/unit})}.$$

Section 9.50 Bonuses

The number of allowable units may be increased by up to ten percent (10%) for any of the preferred development techniques listed below, in accordance with the planned unit development (PUD) approval. The total bonus may not exceed thirty percent (30%) of the number of allowable units determined by the density formula.

- (a) Clustering.
- (b) A combined development proposal by the owners of three (3) or more adjacent properties of ten (10) or more acres consolidated into a single plan of fifty (50) or more acres.
- (c) Transfer of the rights to develop RH districts having steeper slopes to other property owner(s) having land with flatter, buildable slopes.
- (d) Planned development of dwellings on stable slopes under fifteen percent (15%) and retention of steeper slopes for open space.

Section 9.60 Hillside Development Policy and Design Guidelines

The City Council's adopted Hillside Development Policy and Hillside Design Guidelines shall be utilized in the development of RH Residential Hillside Districts.

Section 9.70 Exceptions

Single, custom-designed dwellings and site development plans may be exempted from the PUD Planned Unit Development provisions of Section 50.50 of this Ordinance and may be approved by the Planning Director, if such development:

- a) meets or exceeds the criteria of the adopted Hillside Development Policy and Hillside Design Guidelines.
- b) meets the provisions of whichever Section of this Ordinance is more restrictive:
Section 5, R1 Single Family Residential District, or
Section 9.31, 9.32 and 9.33, RH Residential Hillside District.

SECTION 10 RESIDENTIAL USE TABLE

Section 10.10 Statement of Intent

The intent of this Residential Use Table is to clearly and precisely designate permitted uses and conditional uses within each of the following districts:

- A1 AGRICULTURE DISTRICT
- R1 SINGLE FAMILY RESIDENTIAL DISTRICT
- R2 TWO FAMILY RESIDENTIAL DISTRICT
- R3 MEDIUM DENSITY RESIDENTIAL DISTRICT
- R4 HIGH DENSITY RESIDENTIAL DISTRICT
- RH RESIDENTIAL HILLSIDE DISTRICT

Section 10.20 Designation of Residential Uses

The Residential Use Table indicates whether a variety of uses are unconditionally permitted, permitted only with a conditional use permit from the Planning Commission, or Permitted only under special conditions. The Planning Commission, or their designee, shall determine, upon written request, whether or not any use not listed in the Residential Use Table is similar in character to a described use for the purpose of applying the district regulations and conditions.

(FOOTNOTES FOR RESIDENTIAL USE TABLE)

- 1- Accessory Dwelling Units must meet the following conditions:
 - (1) The unit is not intended for sale and may be rented.
 - (2) The lot contains an existing single family detached unit.
 - (3) The second unit is attached to the existing residence and is located within the living area of the existing dwelling.
 - (4) Whenever an increase in floor area is involved, it shall not exceed twenty-five percent (25%) of the existing living area.
 - (5) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.
- 2- Permitted only if the regulations of Section 40 of this Ordinance are met.
- 3- A duplex dwelling is permitted when all of the following conditions are met:
 - (1) The duplex dwelling shall be located on a corner lot only; and
 - (2) The corner lot shall have a minimum area of 8,000 square feet and be so designated for a duplex unit on a tentative and final map; and
 - (3) The lot shall be no closer than one hundred eighty (180) feet to the boundary of the subdivision; and
 - (4) The duplex shall not increase the overall density within any given land subdivision beyond the maximum of 7.25 dwelling units per net acre.

Section 10.30 Residential Use Table

Residential Use	A1	R1	R2	R3	R4	RH
Accessory Building	X	X	X	X	X	X
Accessory Dwelling Unit ¹	X	X				X
Agriculture	X	X	X	X	X	X
Apartment House				X	X	
Bed & Breakfast Establishment (1-2 guestrooms)	C	C	C	C	C	C
Church	X	X	X	X	X	X
Clustered Dwelling Group				X	X	X
Condominiums				X	X	X
Dairying, Animal Husbandry	C					
Day Care Center	C			C	C	
Day Care Home	X	X ₃	X	X	X	X
Duplex		X	X	X	X	
Earth Removal Operations	C	C	C	C	C	C
Garden	X	X	X	X	X	X
Golf Course or Country Club	C	C	C	C	C	C
Guest House	X	X	X	X	X	X
Home Occupation ²	D	D	D	D	D	D
Hospital				C	C	
Multiple Family Building				X	X	
Neighborhood Bazaar		T	T	T	T	T
Neighborhood Recreational Facility	C	C	C	C	C	C
Nursery	C					
Open Space (Recreational)	X	X	X	X	X	X
Park, Playground or Community Center	C	C	C	C	C	C
Parking Lot				C	C	
Publicly-Owned Building or Facility	C	C	C	C	C	C
Residential Care Homes (More than 6 residents)	C	C	C	C	C	C
Residential Care Homes (6 or fewer residents)	X	X	X	X	X	X
Schools (Public or Private)	X	X	X	X	X	X
Sale of Farm Products (grown on site)	C					
Sales Office		T	T	T	T	T
Single Family Dwelling (incl. Mobile Home)	X	X	X	X	X	X
Temporary Building	X	X	X	X	X	X
Townhouse				X	X	X

X= Unconditionally permitted

C= Permitted only with Conditional Use Permit granted by the Planning Commission

D= Permitted subject to the approval of the Planning Director

T= Temporary Use - See Section 47

SECTION 11 RESIDENTIAL SITE AND BUILDING REQUIREMENT TABLE

Section 11.10 Statement of Intent

The intent of the Residential Site and Building Requirement Table is to clearly and precisely establish the basic site and building regulations which shall apply to all development in each of the following districts:

A1 AGRICULTURE DISTRICT
R1 SINGLE FAMILY RESIDENTIAL DISTRICT
R2 TWO FAMILY RESIDENTIAL DISTRICT
R3 MEDIUM DENSITY RESIDENTIAL DISTRICT
R4 HIGH DENSITY RESIDENTIAL DISTRICT

(Site and building requirements for the RH RESIDENTIAL HILLSIDE DISTRICT shall be approved in accordance with the procedures established in Section 50.50, PUD Planned Unit Development Combining District.)

Section 11.20 Designation of Residential Site and Building Requirements

The figures in the Residential Site and Building Requirement Table establish lot, yard, and height requirements for each of the residential zoning districts. The table also indicates where additional site and building requirements, including but not limited to off-street parking, landscaping, signing, fences and obstructions, and performance standards, apply to residential zoning districts.

Section 11.30 Residential Site and Building Requirement Table

Residential District Requirements	A1	R1	R2	R3	R4
LOT REQUIREMENTS					
Lot Size in Square Feet (min.) ¹	20 acres ²	6000	6000	8000	12000
Building Coverage (max.)	none	none	none	none	50%
YARD REQUIREMENTS (Min. setbacks in ft.)					
Front	20	20	20	20	20
Side (Adjacent to street)	10	10 ₃	10 ₃	12	12
Side (All other side yards)	12	6 ₃	6 ₃	12	12
Rear	15	15	15	15	15
HEIGHT REQUIREMENTS (Max.)					
Building Height in Feet	35	35	20	45	75
Number of Stories	2	2	1	3	6
ADDITIONAL REGULATIONS (SEE PART II)					
Off-Street Parking, Sec. 31	Yes	Yes	Yes	Yes	Yes
Fences, Sec. 34	Yes	Yes	Yes	Yes	Yes
Signs, Sec. 37	Yes	Yes	Yes	Yes	Yes
Landscaping, Sec. 38	No	No	Yes	Yes	Yes

- 1- The minimum lot size shall not preclude the use of condominiums, clustered homes, mobile homes, or other innovative housing development which conforms to the density limitations of the zoning district.
- 2- Lots in an A1 district may not be subdivided to a size less than twenty (20) acres, but existing lots of less than twenty (20) acres may be rezoned to A1.
- 3- For dwellings located within new subdivisions (after the effective date of this Ordinance), containing five (5) or more lots, the total width of the two side yards for any one lot in an R1 or R2 district must equal twelve (12) feet. For structures in existence on the effective date of this Ordinance, a six-foot side yard setback shall be maintained, unless a smaller side yard has been allowed by a variance, planned unit development, or pre-existing, non-conforming use.

SECTION 12 PO PROFESSIONAL OFFICE DISTRICT

Section 12.10 Statement of Intent

The intent of the PO Professional Office District is to provide areas in the City suitable for well designed professional office buildings which can, among other things serve as buffer areas between residential and commercial areas. The uses in this district are intended to be of low intensity in order to be compatible with residential living. Ample landscaping and creative design are encouraged in the PO Professional Office District. Professional Office Districts should be located on arterial or collector streets and located in close proximity to commercial areas. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in an PO Professional Office District.

Section 12.20 Permitted Uses and Conditional Uses

Land in the PO Professional Office District may be used as provided in the Commercial Use Table, Section 18 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 12.30 Site and Building Requirements

The Lot, Yard, Height and Additional Requirements in the PO Professional Office District shall be as established in the Commercial Site and Building Requirement Table, Section 19 of this Ordinance.

SECTION 13 C1 NEIGHBORHOOD COMMERCIAL DISTRICT

Section 13.10 Statement of Intent

The intent of the C1 Neighborhood Commercial District is to provide areas in the City suitable for commercial uses of a low intensity and of a neighborhood character which cater directly to residents of the immediate neighborhood only, rather than to the entire City. The uses in this district are intended to be of low intensity in order to be compatible with residential living. Ample landscaping and creative design are encouraged in the C1 Neighborhood Commercial District. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in a C1 Neighborhood Commercial District.

Section 13.20 Permitted Uses and Conditional Uses

Land in the C1 Neighborhood Commercial District may be used as provided in the Commercial Use Table, Section 18 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 13.30 Site and Building Requirements

The Lot, Yard, Height, and Additional Requirements in the C1 Neighborhood Commercial District shall be as established in the Commercial Site and Building Requirement Table, Section 19 of this Ordinance.

SECTION 14 C2 CENTRAL COMMERCIAL DISTRICT

Section 14.10 Statement of Intent

The intent of the C2 Central Commercial District is to provide an area in the City suitable for commercial uses in the City's downtown central business district. The uses in this district are intended to be compatible with pedestrian access. Automobile-oriented uses are discouraged. Creative design and uniform maintenance of street facades are encouraged in this district, in order to present an overall feeling of an integrated design in the downtown area. Utilization of the second and third stories for residential units, offices, artists' lofts and other compatible mixed uses are encouraged. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in a C2 Central Commercial District.

Section 14.20 Permitted Uses and Conditional Uses

Land in the C2 Central Commercial District may be used as provided in the Commercial Use Table, Section 18 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 14.30 Site and Building Requirements

The Lot, Yard, Height, and Additional Requirements in the C2 Central Commercial District shall be as established in the Commercial Site and Building Requirement Table, Section 19 of this Ordinance.

SECTION 15

C3 SHOPPING CENTER COMMERCIAL DISTRICT

Section 15.10 Statement of Intent

The intent of the C3 Shopping Center Commercial District is to provide areas in the City suitable for commercial uses of a high intensity and of a City or regional character. Businesses in the C3 Shopping Center Commercial District should be restricted to those which cater to residents of the entire City and its surrounding region. Ample landscaping, large setbacks, ample parking and creative design are encouraged in the C3 Shopping Center Commercial District. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in a C3 Shopping Center Commercial District.

Section 15.20 Permitted Uses and Conditional Uses

Land in the C3 Shopping Center Commercial District may be used as provided in the Commercial Use Table, Section 18 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 15.30 Site and Building Requirements

The Lot, Yard, Height, and Additional Requirements in the C3 Shopping Center Commercial District shall be as established in the Commercial Site and Building Requirement Table, Section 19 of this Ordinance.

SECTION 16 HC HIGHWAY COMMERCIAL DISTRICT

Section 16.10 Statement of Intent

The intent of the HC Highway Commercial District is to provide areas in the City suitable for commercial uses of a character which cater primarily to visitors to the City. The uses in this district are intended to have immediate access from major freeways. Ample parking, landscaping and creative design are encouraged in the HC Highway Commercial District. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in a HC Highway Commercial District.

Section 16.20 Permitted Uses and Conditional Uses

Land in the HC Highway Commercial District may be used as provided in the Commercial Use Table, Section 18 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 16.30 Site and Building Requirements

The Lot, Yard, Height and Additional Requirements in the HC Highway Commercial District shall be as established in the Commercial Site and Building Requirement Table, Section 19 of this Ordinance.

SECTION 17 CM COMMERCIAL INDUSTRIAL DISTRICT

Section 17.10 Statement of Intent

The intent of the CM Commercial Industrial District is to provide areas in the City suitable for commercial uses of a low intensity which exist in combination with uses of a light manufacturing or light industrial nature. Ample landscaping and creative design are encouraged in the CM Commercial Industrial District. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in a CM Commercial Industrial District.

Section 17.20 Permitted Uses and Conditional Uses

Land in the CM Commercial Industrial District may be used as provided in the Commercial Use Table, Section 18 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 17.30 Site and Building Requirements

The Lot, Yard, Height and Additional Requirements in the CM Commercial Industrial District shall be as established in the Commercial Site and Building Requirement Table, Section 19 of this Ordinance.

SECTION 18 COMMERCIAL USE TABLE

Section 18.10 Statement of Intent

The intent of this Commercial Use Table is to clearly and precisely designate permitted uses and conditional uses within each of the following districts:

PO PROFESSIONAL OFFICE
C1 NEIGHBORHOOD COMMERCIAL
C2 CENTRAL DISTRICT COMMERCIAL
C3 SHOPPING CENTER COMMERCIAL
HC HIGHWAY COMMERCIAL
CM COMMERCIAL INDUSTRIAL

Section 18.20 Designation of Commercial Uses

The Commercial Use Table indicates whether a variety of uses are unconditionally permitted, permitted only with a conditional use permit from the Planning Commission, or permitted only under special conditions. The Planning Commission, or their designee, shall determine, upon written request, whether or not any use not listed in the Commercial Use Table is similar in character to a described use for the purpose of applying the district regulations and conditions.

Section 18.30 Commercial Use Table

Commercial Use	PO	C1	C2	C3	HC	CM
Adult Entertainment Establishment ¹				X		X
Ambulance Service			X	X	X	X
Animal Hospital/Kennel				C		C
Antique Shop		X	X	X	X	X
Arcade			X	X		X
Art Studio or Gallery		X	X	X		X
Automobile Parts or Sales Establishment			X	X	X	X
Automobile Repair Establishment			X	X		X
Bank	C	X	X	X		X
Barber Shop		X	X	X		X
Bakery		X	X	X	C	X
Bazaar		T	T	T	T	
Beauty Parlor		X	X	X		X
Bed and Breakfast Establishment		X	X	X	X	X
Boat Sales				X		X
Bowling Alley			X	X		X
Building Materials Sales and Storage						X
Car Wash				X		X
Card Room			C	C		C
Caretaker's Quarters ²	C	C	X	C	C	C
Christmas Tree Lot		T	T	T	T	T
Church	X	X	X	X		X
Clothing Sales or Service Establishment		X	X	X		X
Community Center	C		X	X		X
Dance Hall			X	X		X
Day Care Center	C	X	X	X		C
Dry Cleaning Establishment		C	X	X		X
Dwelling Unit(second or third floor)			C			
Feed or Fuel Store				C	C	X
Festival		T	T	T	T	
Florist ³		X	X	X		X
Gas Station		C		X	X	X
Gift Shop		X	X	X	X	X
Grocery Store or Deli		X	X	X	X	X
Gymnasium/Health Studio		X	X	X		X
Hospital, Rest Home, Sanitarium		C	C	X		X
Hotel, Motel			X	X	X	X
Laboratory (Research)	C	C	X	X		X
Laundromat		X	X	X		X
Light Industrial Uses Permitted in M1						X
Liquor Sales (On site consumption)			X	X	X	X
Liquor Sales (Off site consumption)		X	X	X	X	X
Lodge, Club, or Fraternal Hall	C	C	X	X	C	X

X= Unconditionally permitted

T= Temporary Use - See Section 47

C= Permitted only with Conditional Use Permit granted by the Planning Commission

Commercial Use	P0	C1	C2	C3	HC	CM
Massage Parlor or Spa ¹				X		X
Medical or Dental Office	X	X	X	X		X
Mortuary or Crematory			C	X		X
Neighborhood Services		X	X	X		X
Newspaper Publishing Office			X	X		X
Newspaper Printing Facility						X
Nursery				X		X
Office	X	X	X	X		X
Outdoor Booth/Sales	T	T	T	T	T	T
Outdoor Amusement or Recreation Facility			C	C	C	C
Parking Lot		X	X	X		X
Pawn Shop or Auction House			X	X		X
Plumbing or Sheet Metal Shop				C		X
Pool & Billiards Establishment			X	X		C
Pottery and Ceramics Manufacturing			C			X
Printing or Sign Painting Establishment			X	X		X
Public Office Building	X	X	X	X	C	X
Restaurant		X	X	X	X	X
Retail Sales Establishments		C	X	X		X
School (Private)	C	X	X	X		X
Shoe Repair Establishment		X	X	X		X
Television Repair			X	X		X
Theater			X	X		X
Tire Shop			C	X	X	X
Travel Trailer or Camping Facility					C	
Truck Stop					C	C
Veterinarian Office	C	C	C	X		X

X= Unconditionally permitted

T= Temporary Use - See Section 47

C= Permitted only with Conditional Use Permit granted by the Planning Commission

1- Not permitted within two hundred fifty (250) feet of the exterior limits of any residential district, school or public park.

2- If a caretaker's residence is in a trailer or a mobile home, a conditional use permit is required and is valid for only one year, with a maximum one-year extension. One unit for caretaker's quarters is an unconditionally permitted use when in conjunction with hotels, motels, bed and breakfast establishments, ambulance services or mini-storage facilities.

3- Sales of alcoholic beverages, which are controlled by the Department of Alcoholic Beverage Control, shall not be considered a permitted use in conjunction with or located on the same premises as any gas station.

SECTION 19 COMMERCIAL SITE AND BUILDING REQUIREMENT TABLE

Section 19.10 Statement of Intent

The intent of the Commercial Site and Building Requirement Table is to clearly and precisely establish the basic site and building regulations which shall apply to all development in each of the following districts:

PO PROFESSIONAL OFFICE
C1 NEIGHBORHOOD COMMERCIAL
C2 CENTRAL DISTRICT COMMERCIAL
C3 SHOPPING CENTER COMMERCIAL
HC HIGHWAY COMMERCIAL
CM COMMERCIAL INDUSTRIAL

Section 19.20 Designation of Commercial Site and Building Requirements

The figures in the Commercial Site and Building Requirement Table establish lot, yard, and height requirements for each of the commercial zoning districts. The table also indicates where additional site and building requirements, including but not limited to off-street parking, landscaping, signing, fences and obstructions, and performance standards, apply to commercial zoning districts.

Section 19.30 Commercial Site and Building Requirement Table

Commercial District Reqs.	P0	C1	C2	C3	HC	CM
LOT REQUIREMENTS						
Lot Size in Sq.Ft.(min.)	8000	none	none	none	none	none
Building Coverage (max.)	40%	within setbacks	within setbacks	within setbacks	within setbacks	within setbacks
YARD REQUIREMENTS (Min. setbacks in ft.)						
Front	20	20	0	30	20	15
Side (Adjacent to street)	10	10	0	20	20	15
Side (All other side yards)	6	*	0	0	*	*
Rear	*	*	0	0	*	*
HEIGHT REQUIREMENTS (Maximum)						
Building Height in Feet	35	35	45	75	75	35
Number of Stories	2	2	3	6	6	2
ADDITIONAL REGULATIONS (SEE PART II)						
Off-Street Parking, Sec. 31	Yes	Yes	Yes	Yes	Yes	Yes
Fences, Sec. 34	Yes	Yes	Yes	Yes	Yes	Yes
Signs, Sec. 37	Yes	Yes	Yes	Yes	Yes	Yes
Landscaping, Sec. 38	Yes	Yes	Yes	Yes	Yes	Yes
Performance Standards, Sec. 41	Yes	Yes	Yes	Yes	Yes	Yes

*-Setback from a rear or side property line shall match the setback required along the same property line for the most restrictive adjacent property. (There is no setback requirement if the adjacent property is in the same zoning district.)

SECTION 20 M1 LIMITED INDUSTRIAL DISTRICT

Section 20.10 Statement of Intent

The intent of the M1 Limited Industrial District is to designate areas in the City, which are environmentally sensitive due to close proximity to residential and commercial zones, and which are suitable for small scale light manufacturing and industrial park uses with low noise and traffic levels, not generally frequented by retail users. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in an M1 Limited Industrial District.

Section 20.20 Permitted Uses and Conditional Uses

Land in the M1 Limited Industrial District may be used as provided in the Industrial Use Table, Section 22 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 20.30 Site and Building Requirements

The Lot, Yard, Height and Additional Requirements in the M1 Limited Industrial District shall be as established in the Industrial Site and Building Requirement Table, Section 23 of this Ordinance.

SECTION 21 M2 GENERAL INDUSTRIAL DISTRICT

Section 21.10 Statement of Intent

The intent of the M2 General Industrial District is to provide areas in the City suitable for large scale manufacturing, assembly, storage, distribution and wholesaling of materials. Because of their environmental impacts, it is intended that the M2 General Industrial Districts be located in areas which will avoid conflicts with more sensitive land uses, and in areas with good transportation access. Therefore, M2 districts should be located near freeways, and away from all residential districts. The following regulations, except to the extent that they may be modified by a combining district, shall apply to every lot and building in an M2 General Industrial District.

Section 21.20 Permitted Uses and Conditional Uses

Land in the M2 General Industrial District may be used as provided in the Industrial Use Table, Section 22 of this Ordinance. Conditional uses may be permitted with a conditional use permit, which may be issued by the Planning Commission in accordance with the regulations in Section 50.30 of this Ordinance.

Section 21.30 Site and Building Requirements

The Lot, Yard, Height and Additional Requirements in the M2 General Industrial District shall be as established in the Industrial Site and Building Requirement Table, Section 23 of this Ordinance.

SECTION 22 INDUSTRIAL USE TABLE

Section 22.10 Statement of Intent

The intent of this Industrial Use Table is to clearly and precisely designate permitted uses and conditional uses within each of the following districts:

M1 LIMITED INDUSTRIAL
M2 GENERAL INDUSTRIAL

Section 22.20 Designation of Industrial Uses

The Industrial Use Table indicates whether a variety of uses are unconditionally permitted, permitted only with a conditional use permit from the Planning Commission, or permitted only under special conditions. The Planning Commission, or their designee, shall determine, upon written request, whether or not any use not listed in the Industrial Use Table is similar in character to a described use for the purpose of applying the district regulations and conditions.

(FOOTNOTES FOR INDUSTRIAL USE TABLE)

- 1- If a caretaker's residence is in a trailer or a mobile home, a conditional use permit is required and is valid for only one year, with a maximum one-year extension. One unit for caretaker's quarters is an unconditionally permitted use when in conjunction with hotels, motels, ambulance services, mini-storage, or hazardous waste processing or storage facilities.
- 2- In addition to the uses listed as permitted or conditionally permitted in the M2 district, the following uses may be conditionally permitted only where the Planning Commission finds that a) these uses will not generate vehicular trips across U.S. 101 (South Valley Freeway) above that for general industrial uses, and b) that the proposed commercial uses will provide service only to people employed within the adjacent industrial areas: professional office, financial institutions, insurance companies, real estate brokers, social service agencies, cocktail lounges, private educational and recreational institutions, entertainment facilities and day care facilities.
- 3- Not permitted within one thousand (1,000) feet of the exterior limits of any school property or City of Gilroy water well.

Section 22.30 Industrial Use Table

Industrial Use	M1	M2
Animal Hospital/Kennel	C	
Assembly Plant - Electronics	C	X
Assembly Plant - Light (Scientific/Medical)	X	X
Assembly Plant - Heavy (Vehicles/Vessels/Equipment)		X
Automobile Repair or Body Shop	X	X
Blacksmithing	X	X
Building Materials Sales and Storage Establishments	C	X
Cabinet Shop	X	X
Cafeteria (for employees only)	X	X
Caretaker's Residence ¹	C	C
Chemical Supply Establishment		X
Christmas Tree Lot	T	T
Data Processing Establishment	X	X
Distribution Plant		X
Feed or Fuel Yard	C	X
Festival	T	T
Food Processing Plant		X
Hazardous Waste Transport, Recycling, Processing, or Storage Facility ^{1,3}		C
Hospital or Clinic	C	C
Junkyard		X
Laboratory	X	X
Locker Storage and Rental	X	X
Lumber Yard		X
Machine Shop	X	X
Manufacturing Plant-Electronic Components,Plastics,Ceramics	C	X
Manufacturing Plant-Heavy (Vehicles, Equipment, etc.)		X
Manufacturing Plant-Light (Scientific/Medical)	X	X
Office (Corporate)	X	X
Outdoor Amusement or Recreation Facility	C	C
Outdoor Booth	T	T
Printing Shops	X	X
Public Utility Service	X	X
Research and Development Facility	X	X
Restaurant	C	C
Sheet Metal Fabrication		X
Specific Plan Area Uses ²		C
Truck Service Station, Stop, or Terminal	C	C
Truck Storage or Parking Yard	C	X
Veterinarian Office	C	
Warehouse Storage Facility	X	X
Welding Facility	X	X
Wholesale Establishments		X

X= Unconditionally permitted

C= Permitted only with Conditional Use Permit granted by the Planning Commission

T= Temporary Use - See Section 47

(See previous page for Footnotes for Industrial Use Table)

SECTION 23 INDUSTRIAL SITE AND BUILDING REQUIREMENT TABLE

Section 23.10 Statement of Intent

The intent of the Industrial Site and Building Requirement Table is to clearly and precisely establish the basic site and building regulations which shall apply to all development in each of the following districts:

M1 LIMITED INDUSTRIAL DISTRICT
M2 GENERAL INDUSTRIAL DISTRICT

Section 23.20 Designation of Industrial Site and Building Requirements

The figures in the Industrial Site and Building Requirement Table establish lot, yard, and height requirements for each of the industrial zoning districts. The table also indicates where additional site and building requirements, including but not limited to off street parking, landscaping, signing, fences and obstructions, and performance standards, apply to industrial zoning districts.

Section 23.30 Industrial Site and Building Requirement Table

Industrial District Requirements		M1	M2
LOT REQUIREMENTS			
Building Coverage (Maximum)		60%	60%
YARD REQUIREMENTS (Minimum Setbacks in Feet)			
Front		30	15
Side		none	none
Side (Adjacent to street)		20	15
Rear		none	none
HEIGHT REQUIREMENTS (Maximum)			
Building Height in Feet		35	75
Number of Stories		2	6
ADDITIONAL REGULATIONS (SEE PART II)			
Off-Street Parking	Section 31	Yes	Yes
Fences and Obstructions	Section 34	Yes	Yes
Signing	Section 37	Yes	Yes
Landscaping	Section 38	Yes	Yes
Performance Standards	Section 41	Yes	Yes

SECTION 24 OS OPEN SPACE DISTRICT

Section 24.10 Statement of Intent

The purpose and intent of this district is:

- (a) To protect the public health, safety and welfare;
- (b) To protect and preserve open space land as a limited and valued resource;
- (c) To permit the reasonable use of open space land;
- (d) To preserve and protect open space in order to assure its continued availability as agriculture land, scenic land, recreation land, conservation or natural resource land, land for the containment of urban sprawl and the structuring of urban development, or land in its natural or near natural state which protects life and property in the community from the hazards of fire, flood, and seismic activity;
- (e) To coordinate with and carry out Federal, State, Regional, County and City open space plans.

Section 24.20 Permitted Uses and Conditional Uses

Section 24.21 Permitted Uses

The following uses are unconditionally permitted:

- (a) Agricultural uses:
 - (1) Animal husbandry.
 - (2) Crops.
 - (3) Dairying.
 - (4) Horticulture, including nurseries.
 - (5) Livestock farming.
 - (6) Tree farming.
 - (7) Viticulture and similar uses not inconsistent with the intent and purpose of this Section.
 - (8) Similar uses as determined by the Planning Director, subject to review by the Planning Commission.
- (b) Botanical conservatories, outdoor nature laboratories, and similar facilities.
- (c) Native wildlife sanctuaries.

Section 24.22 Conditional Uses

The following uses are permitted only with a conditional use permit from the Planning Commission.

- (a) Communication and public utility facilities.
- (b) Educational, charitable, research and philanthropic institutions in conjunction with permitted uses.
- (c) Guest ranches.
- (d) Recreational uses, such as riding academies, stables, country clubs, golf courses.
- (e) Similar uses as determined by the Planning Director.

Section 24.30 Site and Building Requirements

Section 24.31 Site Design Approval

Any construction of new buildings in an OS district must be directly related to the use of the open space. Such construction shall be subject to Architectural and Site Review and Approval according to the provisions of Section 50.40.

Section 24.32 Maximum Building Height

Building height shall not exceed two (2) stories, or thirty (30) feet.

Section 24.40 Lands Environmentally Unfit for Development

The City Council shall determine which lands within the City of Gilroy are environmentally unfit for development by designating such lands as being in an open space (OS) district. Such lands shall include, but not be limited to, the following:

- (a) Earthquake fault areas.
- (b) Floodplain areas.
- (c) Liquefaction areas.
- (d) Watershed or groundwater recharge areas.
- (e) Extremely high fire hazard areas.
- (f) Wildlife preserves and scenic corridors.
- (g) Landslide areas.

Section 24.50 Minimum Time Period of OS Zoning

Resolutions of the Planning Commission and ordinances of the City Council recommending or designating OS Open Space Districts shall designate a minimum specific number of years that the property is to be zoned as open space. Such minimum time period shall be consistent with the urban development policies of the General Plan.

Section 24.60 Special Regulations

Section 24.61 Geological Soil Investigation and Report

All applications to rezone land from those uses indicated in 24.40 (a,c,or g) shall be accompanied by a combined in-depth geologic and soils investigation and report prepared by a registered geologist certified by the State of California and an engineering geologist and by a licensed civil engineer qualified in soil mechanics. Such report shall be based on surface, sub-surface, and laboratory investigations and examinations and such reports shall fully and clearly present:

- (a) All pertinent data, interpretations and evaluations.
- (b) The significance of the data, interpretations and evaluations with respect to the future geological processes both on and off the site.
- (c) Recommendations for any additional investigations to be made.

Section 24.62 Landscaping

The existing natural vegetation and land formations shall remain in a natural state unless modification is found to be necessary for a specific use and is approved by the Planning Director. Reduction or elimination of fire hazards shall be required where heavy concentrations of flammable vegetation occurs. Landscaping as applied for shall be consistent with the purpose of this Section.

Section 24.63 Tree Removal

Removal of live trees in areas outside public parks may be permitted upon approval of the Planning Director.

Section 24.64 Access to Remote Areas

Roads, tracks, driveways, trails, or runways for automobiles, trucks, buses, or motorcycles or other wheeled vehicles shall not be developed except upon securing approval of the Planning Director. No such approval shall be granted except upon finding that the purpose for which the roads, tracks, driveways, trails or runways are proposed is essential for the establishment or maintenance of a use which is expressly permitted herein and that the design and location of the proposed roads, tracks, driveways, trails, or runways shall be compatible with the terrain. The use of all roads, tracks, driveways, or rails which are not easements and are existing to the detriment of the environment at the time of the adoption of this Section, and are non-conforming or have been established without proper approvals, shall be terminated within one year of OS Open Space District designation unless given approval in accordance with the regulations set forth in this Section.

Section 24.65 Grading

All grading shall be subject to the provisions of this Section. In those cases where grading permits are required no grading shall begin until a permit has been granted and after securing approval of the Planning Director and the City Engineer.

Section 24.66 Soil Erosion and Land Management

No site and design plan shall be approved until all erosion control measures have been approved in accordance with adopted City standards and specifications, and are consistent with the regulations of the OS Open Space District. The applicant shall bear the final responsibility for the installation and construction of all required erosion control measures according to the provisions of each approval.

SECTION 25 PF PARK/PUBLIC FACILITIES DISTRICT

Section 25.10 Statement of Intent

The PF Park/Public Facilities District is intended to provide land for governmental, public utility, educational, and community service or recreational facilities. Such uses are unique in that their proximity to sensitive land uses is not generally detrimental to the quality of life, and in many cases is desirable and convenient. The proper use of this district will allow for that proximity without significant environmental impacts.

Section 25.20 Permitted and Conditional Uses

Section 25.21 Permitted Uses

The following uses are unconditionally permitted. The Planning Commission, or its designee, shall determine, upon written request, whether or not any use not listed below is similar in character to a described use for the purpose of applying the regulations and conditions of this Section.

- (a) All facilities owned or leased, and operated or used, by the City of Gilroy, the County of Santa Clara, the State of California, the government of the United States, the Gilroy Unified School District, or any other governmental agency.
- (b) Public or private colleges and universities and their related facilities.
- (c) Hospitals.
- (d) Cemeteries, mausoleums, crematories.

Section 25.22 Conditional Uses

The following uses are permitted only with a conditional use permit from the Planning Commission. The Planning Commission, or their designee, shall determine, upon written request, whether or not any use not listed below is similar in character to a described use for the purpose of applying the regulations and conditions of this Section.

- (a) Facilities of all public utilities, and corporations or other organizations whose activities are under the jurisdiction of the Federal Communications Commission or the Interstate Commerce Commission.
- (b) Any of the following uses, when conducted on property owned by the City of Gilroy, the County of Santa Clara, the State of California, the government of the United States, the Gilroy Unified School District, or any other governmental agency, and leased for the following uses:
 - (1) Private educational facilities.
 - (2) Day care centers.
 - (3) Community centers.
 - (4) Residential care facilities, when utilizing existing structures on the site.
 - (5) Business or trade schools.
 - (6) Outdoor recreation service.
 - (7) Neighborhood recreation center.
 - (8) Art, dance, gymnastic, exercise or music studios or classes.
 - (9) Special education classes.

Section 25.30 Site and Building Requirements

The following site development regulations shall apply in the PF Park/Public Facilities District.

Section 25.31 Lot Requirements

The maximum building coverage shall be thirty percent (30%) of the site area.

Section 25.32 Yard Requirements

The minimum front, side, and rear yards in the PF Park Public Facilities District shall be equal to the respective front, side, and rear yards required in the most restrictive abutting district.

Section 25.33 Maximum Building Height

The maximum building height shall be thirty (30) feet. The maximum height for communications facilities shall be fifty (50) feet. With an approved Conditional Use Permit, granted by the Planning Commission, communication facilities or other buildings may be permitted to a maximum height not to exceed seventy-five (75) feet.

Section 25.34 Special Regulations

- | | |
|-----------------------------|----------------|
| (a) Off-Street Parking | See Section 31 |
| (b) Fences and Obstructions | See Section 34 |
| (c) Signs | See Section 37 |
| (d) Landscaping | See Section 38 |
| (e) Accessory Buildings | See Section 39 |

SECTION 26 PUD PLANNED UNIT DEVELOPMENT COMBINING DISTRICT

Section 26.10 Statement of Intent

The intent of the PUD Planned Unit Development Combining District is to allow diversification in the relationships of buildings, structures, and open spaces in building groups and the allowable heights of said buildings and structures, while insuring adequate standards related to the public health, safety and general welfare of the community, and so doing to promote unified planning and development, economical and efficient land use, a higher standard of amenities, appropriate and harmonious variety in physical development, creative design, and an upgrading of the urban environment.

Section 26.20 Permitted and Conditional Uses

A minimum of seventy-five percent (75%) of the land area of those parcels designated as being in a PUD Planned Unit Development Combining District shall be used for uses permitted by the base zoning district. Other land uses to a maximum of twenty-five percent (25%) may be permitted in accordance with a planned unit development approval which shall be obtained according to the provisions of Section 50.30 of this Ordinance.

Section 26.30 Site and Building Requirements

Section 26.31 Lot Requirements

No parcel or lot of land within this combining district shall be split or subdivided, except as specified in the planned unit development approval which shall be obtained according to the provisions of Section 50.50 of this Ordinance.

Section 26.32 Yard, Building Height, and Lot Coverage Requirements

All yard, building height, and lot coverage requirements shall be as specified in the planned unit development approval which shall be obtained according to the provisions of Section 50.50 of this Ordinance.

Section 26.33 Landscaping Requirements

All landscaping requirements shall be as specified in the planned unit development approval which shall be obtained according to the provisions of Section 50.50 of this Ordinance.

Section 26.34 Additional Requirements

All additional requirements including, but not limited to, parking, sign and fence requirements, shall be as specified in the planned unit development approval which shall be obtained according to the provisions of Section 50.50 of this Ordinance.

Section 26.40 Establishment of Combining District

The establishment of a planned unit development combining district may be in combination with any residential, commercial or industrial district as defined in this Ordinance. The establishment or removal of the PUD combining district shall be processed as a zone change according to the provisions of Section 52. The zone change fees, which are established from time to time by the City Council, shall be waived for the establishment of, but not the removal of, the PUD Planned Unit Development Combining District.

Section 26.50 Development Approval Required

Section 26.51 Initial Development

Any and all proposals for construction of any development or improvements on any lot or parcel within this combining district shall be subject to planned unit development approval as provided in Section 50.50 of this Ordinance. A planned unit development approval application may be processed concurrently with the PUD combining district zone change.

Section 26.52 Minor Modifications

After a completed planned unit development project has been occupied, minor modifications and development may be permitted without planned unit development approval (as provided in Section 50.50) if:

- (a) The proposed modifications meet all of the requirements of the underlying zoning district, and
- (b) The Planning Director determines that the proposed modification or development conforms to the intent of the original planned unit development approval.

SECTION 27 HISTORIC SITE AND NEIGHBORHOOD COMBINING DISTRICTS

Section 27.10 Statement of Intent

The intent of this Section is:

- (a) to preserve historic sites and neighborhoods that represent important elements of Gilroy's past or contribute to the community's identity or educational resources;
- (b) to enhance the visual character of Gilroy by encouraging and regulating the compatibility of architectural styles within historic sites and neighborhoods;
- (c) to identify and designate areas which have a significant concentration or continuity of sites, buildings or objects unified by past events or physical development;
- (d) to encourage restoration of historic buildings and neighborhoods throughout the City.

Section 27.20 Permitted Uses and Conditional Use Permits

Permitted uses in both the Historic Site and Historic Neighborhood Combining Districts include all uses which are permitted in the base district.

Any use which is listed as a conditional use for the base district may be allowed to locate within a Historic Site or Neighborhood Combining District subject to the Planning Commission making all of the following findings:

- (a) The proposed conditional use is compatible with the historic nature of the property and would require minimal alteration to the building or site; and
- (b) All proposed and/or required alterations would not alter the historic significance of the building or site; and
- (c) The site is adequate to accommodate any required parking, landscaping or other amenities required as a condition of approval of the conditional use permit.

Conditional use permits for uses other than those listed as conditional uses for the base district, including, but not limited to, bed and breakfast establishments of more than 2 guestrooms, may be granted if the above findings are made by the Historic Heritage Committee and the Planning Commission.

Section 27.30 Establishment of Historic Site and Neighborhood Combining Districts

The establishment of a Historic Site or Historic Neighborhood Combining District may be in combination with any residential, commercial, industrial or other base district as defined in this Ordinance. The establishment or removal of either a Historic Site or Historic Neighborhood Combining District shall be processed as a zone change. The Historic Heritage Committee shall review all applications for historical designation or removal of historical designation and pass its recommendations on to the Planning Commission and City Council. The zone change fees, which are established from time to time by the City Council, shall be waived for the establishment of, but not the removal of, either a Historic Site or Neighborhood Combining District.

Section 27.31

Any area or combination of sites within the City may be designated as a Historic Neighborhood Combining District if it meets any one of the following criteria:

- (a) the neighborhood possesses a significant concentration or continuity of sites, buildings, structures, or objects unified by past events or physical development, or;
- (b) the neighborhood represents an established and familiar visual feature of the community, or;
- (c) the collective historic value of the neighborhood taken together is of greater value than each individual structure.

Section 27.32

Any site within the City may be designated as a Historic Site Combining District if it meets any one of the following criteria:

- (a) it exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering or architectural history, or;
- (b) it is identified with persons or events significant in local, state or national history, or;
- (c) it embodies distinctive characteristics of a style, type, period or methods of construction, or is a valuable example of the use of indigenous materials or craftsmanship, or;
- (d) it is representative of the work of a notable builder, designer or architect.

Section 27.40 Design Review Procedures

Applications to construct new structures, alter, change, modify, remove or significantly alter the exterior of any structure within a Historic Site or Neighborhood Combining District shall require architectural and site approval according to the provisions of Section 50.40 of this Ordinance. An application shall be denied if the changes would jeopardize the building's or neighborhood's architectural or historical value. Interior remodeling or routine maintenance or repair of the exterior features of a structure in a Historic Site or Historic Neighborhood Combining District shall not require architectural and site review.

Section 27.41

In a Historic Neighborhood Combining District, the design of the following proposed structures or remodellings shall be reviewed according to the provisions of Section 50.40 of this Ordinance.

- (a) construction of any type of a building that will effect the exterior appearance of the site, neighborhood, of any structure on the site or in the neighborhood;
- (b) new construction;
- (c) relocation of any structure in or removal from a Historic Neighborhood Combining District.
- (d) remodeling of fifty percent (50%) or more of the facade of any structure.

Section 27.42

In a Historic Site Combining District, but not in a Historic Neighborhood Combining District, the design of the following proposed structures or remodelings shall be reviewed according to the provisions of Section 50.40:

- (a) exterior alterations to any building;
- (b) interior alterations that would effect the exterior of a building;
- (c) construction of any type on a building that will effect the exterior appearance of the site, or any structure on the site;
- (d) new construction;
- (e) relocation of any structure into or removal from a Historic Site Combining District.

Section 27.50 Demolition Procedures

All demolition applications for structures located in either a Historic Site or Neighborhood Combining District shall be reviewed by the Historic Heritage Committee which shall forward its recommendations to the Planning Commission. Architectural and Site approval shall not be given for any new construction until the City Council has approved the demolition request.

Upon application for demolition where a structure or portion of a structure in a Historic Site or Neighborhood Combining District has been substantially destroyed by fire, explosion, earthquake or flood, the Chief Building Inspector and Planning Director, after inspection of the damage, may issue the demolition permit immediately, only when they both determine that there is imminent danger to life, limb or health of the public and the structure is obviously not restorable due to such damage.

Section 27.51 Historic Neighborhood Demolition Procedures

After review of each request for demolition, the Planning Commission may recommend approval or conditional approval, or may deny the request. The Planning Commission determination for denial shall be final unless a written appeal to the City Council is filed within fifteen (15) days. In order to approve or conditionally approve a demolition request within a Historic Neighborhood Combining District, the Planning Commission and City Council must make the following findings:

- (a) demolition of the structure will not have a significant impact on the historic character of the neighborhood, and
- (b) the structure proposed for demolition is obviously not restorable.

If the Planning Commission recommends approval or conditional approval, the Planning Director shall forward to the City Council the demolition request with the Planning Commission's recommendation. After review of the request, the City Council may approve, conditionally approve or deny the request.

Section 27.52 Historic Site Demolition Procedures

Within a Historic Site Combining District, non-historic accessory buildings may be demolished through the procedure set forth above for structures in a Historic Neighborhood Combining District.

Demolition of a historically significant structure within a Historic Site Combining District shall first require removal of the Historic Site Combining District designation through the zone change process as provided in this Ordinance. Removal of the Historic Site Combining District is not required where a historically significant structure would remain on the site, despite the demolition of other historic or non-historic structures on the site. A request for demolition may be processed concurrently with the request for a change of district. In order to approve or conditionally approve a demolition request within a Historic Site Combining District, the Historic Heritage Committee, the Planning Commission and City Council must make the following findings:

- (a) The structure proposed for demolition is obviously not restorable, and
- (b) The applicant's attempts to preserve the structure have proven inconclusive, including, but not limited to:
 - (1) Documented advertisements publicizing the availability of the structure for purchase for restoration purposes; and
 - (2) A map showing investigation into possible sites for relocation of the structure; and
 - (3) Documented letters offering the donation of the structure to non-profit organizations for relocation.

The Planning Commission or City Council may suspend action on removal of the Historic Site Combining District designation and demolition application for a period not to exceed one hundred eighty (180) days to allow sufficient time for necessary steps to be taken to preserve the structure. Thereafter, the Planning Commission may recommend approval and the City Council may approve the application for removal of the Historic Site Combining District designation and demolition following a determination that no means of preservation is feasible and that the requested district is appropriate.

Section 27.53 General Demolition Procedures

Each request for the demolition of any building over fifty (50) years old which is not in a Historic Site or Neighborhood Combining District shall be accompanied by one clear photograph, of the front of the building, submitted by the applicant. The age of the structure shall be determined or verified through public records or from an inspection. A demolition permit shall not be issued for such building until the Planning Director, with assistance from the Historic Heritage Committee, has had a period not to exceed thirty (30) days to investigate, document and photograph the building and attempt to arrange for the preservation of the building. After the expiration of the thirty (30) day period, the permit may be issued in accordance with the building department procedures. The thirty (30) day period may be waived by the Chief Building Inspector where there is imminent danger to life, limb or health of the public which requires immediate demolition.

SECTION 28-30

THESE SECTION NUMBERS ARE RESERVED FOR FUTURE DISTRICTS

SECTION 31 OFF STREET PARKING REQUIREMENTS

Section 31.10 Statement of Intent

It is the intent of this Section to require off-street parking and loading spaces on each parcel for all land uses within the City of Gilroy sufficient in number to accommodate all vehicles of residents, employees, customers, clients and others which may congregate at any point in time in order to reduce on-street parking and improve traffic and pedestrian safety.

Section 31.20 Parking Space Requirements

At the time any activity is established or building or structure is erected, or is enlarged, or increased in capacity, or whenever there is a substitution of activities or a change in the nature of an existing activity, off-street parking for vehicles in such numbers as are hereinafter prescribed shall be provided. Accessible off-street parking areas shall be provided and maintained for each land use or activity in accordance with the following schedule:

Section 31.21 Residential Use Off-Street Parking Requirements

<u>Type of Residential Use</u>	<u>Off-Street Parking Stalls Required</u>
Single and two-family dwellings. . .	Two (2) stalls per dwelling unit, one (1) of which shall be a covered carport or garage
Accessory dwelling units	One (1) stall per unit
Multiple family. . . .	One and one-half (1 1/2) stalls per dwelling unit or two (2) stalls for each unit having three (3) or more bedrooms or rooms which could be used as bedrooms, plus one (1) stall for every four (4) units for guests. One (1) stall for each unit shall be covered with a garage or carport
Rooming houses, residence clubs, . . fraternity and sorority houses	One (1) stall for every two (2) occupants plus four (4) stalls
Bed and Breakfast Establishment. . .	Two (2) stalls, one of which shall be a covered carport or garage, plus one (1) stall per two (2) guest rooms

Section 31.22 Recreational Use Off-Street Parking Requirements

<u>Type of Recreational Use</u>	<u>Off-Street Parking Stalls Required</u>
Theaters and auditoriums with. . . . fixed seats	One (1) stall for every four (4) seats, or one (1) stall for each seven (7) feet of bench
Auditoriums and exhibit halls. . . . without fixed seats	One (1) stall per one hundred (100) gross square feet
Dance halls.	One (1) stall for each five (5) seats or fifty (50) square feet of dance floor, whichever is greater

Bowling centers	Six (6) stalls per alley, plus one (1) stall for each shift employee
Billiard and card rooms	Two (2) stalls per table or one-half (1/2) stall for each seat, whichever is greater
Golf driving and shooting ranges.	One and one-half (1 1/2) stalls per station
Commercial swimming pools	One (1) stall per one hundred (100) square feet of pool area
Skating rinks and commercial. recreational areas (e.g. waterslides)	One (1) stall for each one hundred (100) square feet of skating or recreational area, plus one (1) stall for each shift employee
Tennis, handball and racket courts.	Two (2) stalls per court, plus one (1) stall for each shift employee
Private clubs without overnight accommodations	One (1) stall for every four (4) persons of maximum occupancy of the facility, plus one (1) space for each regular employee

Section 31.23 Institutional Use - Off-Street Parking Requirements

<u>Type of Institutional Use</u>	<u>Off-Street Parking Stalls Required</u>
Hospitals	One (1) stall for each three (3) beds, plus one (1) stall per staff doctor, plus one (1) stall for each three (3) staff
Convalescent homes, nursing homes and sanitariums	One (1) stall per staff or visiting doctor, plus one (1) stall per two (2) employees, plus one (1) stall for every four (4) beds
Orphanages.	One (1) stall for every three (3) employees plus one (1) stall for every ten (10) beds
Day care centers and nursery schools.	One (1) stall for each employee, plus two (2) stalls, plus one (1) loading space for every five (5) children
Day care home	Two (2) stalls per dwelling unit, one (1) of which shall be a covered carport or garage
Churches and mortuaries	One (1) stall for every four (4) seats or seven (7) linear feet of bench
Public, parochial and private elementary schools	One (1) stall for each employee, plus one (1) stall for every four (4) auditorium seats, plus bus loading area
Public, parochial and private high schools	One (1) space for each employee, plus one (1) space for each ten (10) students of planned capacity or one (1) stall for each four (4) auditorium seats, whichever is greater, plus bus loading area

Colleges, art, craft, music and	One (1) stall for each employee, plus
dancing schools and business,	one (1) space for each four (4) students
professional and trade schools	of planned capacity or one (1) stall for
	each four (4) auditorium seats, whichever
	is greater

Section 31.24 Office, Medical and Financial Uses - Off-Street Parking Requirements

<u>Type of Office, Medical or Financial Uses</u>	<u>Off-Street Parking Requirements</u>
Medical, dental, optometry, veterinarian, or chiropractic offices and clinics	One (1) stall per one hundred fifty (150) square feet of gross floor area, or six (6) stalls per doctor, whichever is less
Research facilities	One (1) stall per employee, plus one (1) stall per five hundred (500) square feet of gross floor area
Banks, lending agencies, financial and. . governmental institutions, public utility offices (including drive-up facilities)	One (1) stall per three hundred (300) square feet of gross floor area
All other professional offices.	One (1) stall per three hundred (300) square feet of gross floor area

Section 31.25 Retail and Commercial Uses - Off-Street Parking Requirements

<u>Type of Retail/Commercial Use</u>	<u>Off-Street Parking Requirements</u>
General retail sales, repair and. services	One (1) stall per two hundred fifty (250) square feet of gross floor area
Uncovered general retail sales, repair and services	One (1) stall per two hundred fifty (250) square feet of gross sales area
Retail sales of large appliances, automobiles, furniture or other similar bulky merchandise	One (1) stall per four hundred (400) square feet of gross floor area
Restaurants, bars, taverns, lunch rooms, night clubs and cocktail lounges	One (1) stall for every three (3) seats or one hundred (100) square feet of gross floor area devoted to dining, whichever is greater, plus one (1) stall for each shift employee
Restaurants and other retail. establishments with take-out service, walk-up or drive-up windows and roadside stands	One (1) stall for every three (3) seats or one hundred (100) square feet of gross floor area, whichever is greater, plus one (1) stall for each shift employee, plus eight (8) stalls or eight (8) auto waiting spaces for each exterior service window

Barber and beauty shops	One (1) stall per one hundred (100) square feet of gross floor area
Uncovered retail sales area for landscaping nurseries, vehicles and construction materials	One (1) stall for each four thousand (4000) square feet of gross display area, plus one (1) stall per employee, but not less than four (4) stalls
Service stations and vehicle repair garages	One (1) stall per four hundred (400) square feet of gross floor area, plus one (1) stall per employee, but not less than three (3) stalls total (service bays shall not be counted as part of the required parking)
Hotels and motels	One (1) stall for each guest room, plus six (6) stalls
Bed and Breakfast Establishment	Two (2) stalls plus one (1) stall per guest room
Bus stations, train depots and other transportation depots	One (1) stall for each employee, plus user parking as determined by the Planning Director

Section 31.26 Industrial Uses - Off-Street Parking Requirements

<u>Type of Industrial Use</u>	<u>Off-Street Parking Required</u>
Warehouses under ten thousand (10,000) square feet of gross floor area	One (1) stall per six hundred (600) square feet of gross floor area; minimum: ten (10) spaces per parcel
Warehouses over ten thousand (10,000) square feet of gross floor area	One (1) stall per five thousand (5000) square feet of gross floor area; minimum: ten (10) stalls per parcel
Wholesale sales (with limited retail)	One (1) stall per six hundred (600) square feet of gross floor area
All manufacturing plants, research and development facilities, light industrial uses, wholesale service establishments, and laboratories	One (1) stall per three hundred fifty (350) square feet of gross floor area

Section 31.30 General Off-Street Parking Requirements

Section 31.31

The parking requirements listed in the parking schedule are minimum. The Planning Commission may require additional stalls and parking lot areas for any use to provide parking area adequate with the intent of this Section. The Planning Commission may make additional requirements in connection with off-street parking areas which will protect the character of property in the neighborhood.

Section 31.32

If the calculation for required off-street parking results in a fraction of one-half (1/2) or more of a parking stall, one (1) parking stall shall be provided; and no parking stall is required for fractions of less than one-half (1/2) a stall.

Section 31.33

Where there is a combination of uses for any one facility on a parcel, the total required off-street parking shall be the sum of the requirements for the various uses calculated separately. The parking provided for one use may not be used to satisfy the parking requirements for another use on the same site, unless all of the following conditions are met:

- (a) Structures on the site clearly can be used only during limited time periods.
- (b) The uses occur during completely different periods of time.
- (c) The Zoning Administrator determines there will be no conflicts or safety hazards between the proposed uses.
- (d) A Conditional Use Permit is obtained.

Section 31.34

The parking ratio shall be determined by the Planning Director for uses that are not specifically included, and that are not closely related to other uses included in the parking space requirement schedule.

Section 31.35

Proposed commercial buildings without uses specified and confirmed (by lease or other legal agreement) shall provide one (1) parking space for every two hundred fifty (250) square feet of gross floor area.

Section 31.36

The required minimum parking for uses having a parking ratio based upon the number of employees, shall be based on the employment shift with the greatest number of employees.

Section 31.37

Every use shall provide the required parking on the same parcel except:

- (a) The owners of adjoining properties may provide parking space in common if said parking area is secured by easement or other sufficient legal document, and provided the total number of parking spaces provided is equal to the sum of the individual needs.
- (b) Any use located within the parking assessment district formed under the provisions of the Gilroy municipal code need not provide the required parking as specified in this Ordinance.

Section 31.40 Off-Street Parking Dimension Table

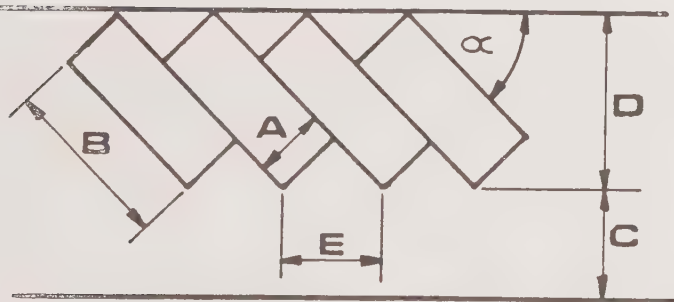
All residential parking stalls shall be at least ten (10) feet wide, twenty (20) feet long, with a minimum of twenty-four (24) feet of back-up space. (One parking stall shall not be within the back-up space needed for exit from another parking stall.) All off-street parking facilities, except residential, shall be designed and installed in accordance with Figure 31-1.

OFF STREET PARKING DIMENSION TABLE

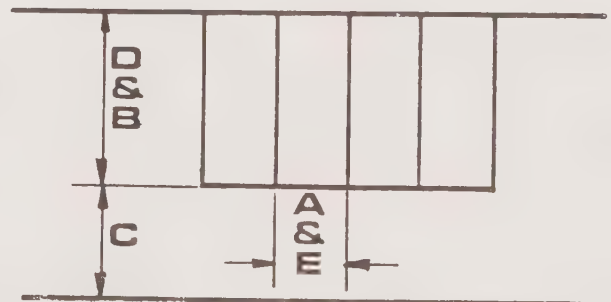
PARKING ANGLE	STALL WIDTH	STALL DEPTH	ONE-WAY AISLE	STALL TO CURB	CURB LENGTH PER STALL	ONE ROW PLUS AISLE	TWO ROWS PLUS AISLE
α	A	B	C	D	E	D + C	2D + C
90°	9' 0"	20' 0"	25' 0"	20' 0"	9' 0"	45' 0"	65' 0"
	9' 6"	20' 0"	24' 0"	20' 0"	9' 6"	44' 0"	64' 0"
	10' 0"	20' 0"	24' 0"	20' 0"	10' 0"	44' 0"	64' 0"
60°	9' 0"	20' 0"	19' 0"	21' 10"	10' 6"	40' 10"	62' 8"
	9' 6"	20' 0"	18' 0"	22' 1"	11' 0"	40' 1"	62' 2"
	10' 0"	20' 0"	17' 0"	22' 4"	11' 6"	39' 4"	61' 8"
45°	9' 0"	20' 0"	16' 0"	20' 5"	12' 9"	36' 5"	56' 10"
	9' 6"	20' 0"	15' 0"	20' 10"	13' 5"	35' 10"	56' 8"
	10' 0"	20' 0"	14' 0"	21' 3"	14' 2"	35' 3"	56' 6"
0°	20' 0"	8' 0"	12' 0"	8' 0"	22' 0"	20' 0"	28' 0"

SPECIAL STALLS	STALL WIDTH	STALL DEPTH	ONE-WAY AISLE
	A	B	C
HANDICAP STALL	14' 0" *	20' 0"	SAME AS ABOVE
SMALL CAR STALL	8' 0"	15' 6"	SAME AS ABOVE

* 5' 0" MAY BE SHARED WITH ADJACENT HANDICAP STALL



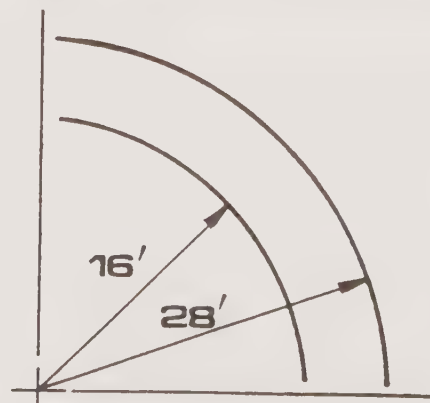
ANGLED PARKING



90° PERPENDICULAR PARKING



0° PARALLEL PARKING



MINIMUM TURNING RADI

INSIDE CURVE: 16' 0"

OUTSIDE CURVE: 28' 0"

MINIMUM TWO-WAY AISLE IS 24' WIDE

MINIMUM ONE-WAY AISLE IS 12' WIDE

Section 31.50 Special Parking Requirements

Section 31.51 Compact Car Parking

Compact car parking stalls may be provided in commercial or industrial developments for up to thirty percent (30%) of the required off-street parking, where at least fifteen (15) parking stalls are provided.

Section 31.52 Employee Parking

Parking stalls designated for employee use may be provided as part of the required off-street parking, but only up to a maximum of the actual anticipated number of employees. Employee parking designated stalls shall be designed and located such that they are distinct and separate from other parking on the site. On no site where compact car parking is provided shall stalls for employee parking also be allowed. Employees shall not be prohibited from using off-street parking.

Section 31.53 Handicap Parking Requirements

Handicap parking shall comply with the requirements of the State Building Code.

Section 31.54 Truck Loading and Unloading Space

All retail and wholesale stores, warehouses, supply houses, buildings devoted to manufacturing trade, hotels, hospitals or other buildings where large amounts of goods are received or shipped, shall provide loading and unloading space adequate to handle the volume and frequency of truck traffic to the building or shopping center. The number and minimum dimensions of loading spaces shall be determined by the Planning Director.

Section 31.60 Off-Street Parking Design Criteria

Section 31.61

All parking stalls shall be delineated by a painted line or separated by a divider at least four (4) inches wide by the full length of each stall.

- (a) Each handicap parking stall shall be delineated by blue painted curb and lines, and shall be clearly labeled in blue paint with the standard handicap symbol or clearly labeled for "handicapped only".
- (b) Each employee parking stall shall be clearly labeled for "employee only".
- (c) Each compact car parking stall shall be clearly labeled for "compact car only".
- (d) Each guest parking stall shall be clearly labeled for "guest parking only".

Section 31.62

All parking stalls abutting sidewalks, planters, buildings and landscaped areas shall be provided with a permanent curb, bumper, wheel stop or similar device. The stopping edge of such protective wheel stops shall be placed two (2) feet from the edge of the sidewalks, planters or landscaped areas and from any buildings. Such protective wheel stops may not be required, as determined by the Planning Director, where the sidewalks or landscaped areas are specifically designed for automobile overhang and have thirty (30) inches additional depth than that which is otherwise required. Automobile overhang shall not be permitted to encroach within the front or street side yard planter area as required under Section 38.22.

Section 31.63

All off-street parking for all uses, except single family and duplex residential uses, shall be designed such that vehicles need not back out of the parking area into a public street. Utilizing a public alley for back-up space is acceptable. Vehicular access to parcels in residential districts which abut both a street designated on the City of Gilroy's General Plan Land Use Map for higher traffic volumes than a local street (e.g., a "Collector") and an improved public alley, shall be to the alley, and shall not be permitted to the street.

Section 31.64

Required off-street parking for any residential use may not be located in the required front yard setback area or required side yard setback area adjacent to a street as established by this Ordinance. Off-street parking for any commercial or industrial use shall not occupy the front one-half (1/2) of any setback area adjacent to a public street.

Section 31.65

All required parking areas shall be paved with an impervious surface such as portland cement concrete, asphaltic concrete, brick or cobblestones placed upon a base of crushed rock, except for parking stalls adjacent to an alley for single family residential uses, which may be paved with crushed rock.

Section 31.66

Each exit and entrance to a parking lot shall be constructed and maintained such that any vehicle entering or leaving the parking lot shall be clearly visible for a distance of at least ten (10) feet to any person on a walk or footpath intersected by such exit or entrance.

Section 31.70 Non-Conforming Parking

Any building or use whose parking becomes substandard by the adoption of this Section, but which were lawful prior thereto, shall be considered as non-conforming use. Such non-conforming use may continue, but any enlargement or expansion shall provide the required number of parking spaces or parking area for the entire building or use as specified in this Section. Any change of occupancy or use in an existing building or lot which requires more parking space shall provide the additional parking area as required by this Section.

Section 31.80 Additional Requirements

The Planning Commission may make such additional requirements in connection with off-street parking areas as will protect the character of other property in the neighborhood. Such regulations may include, but not be limited to, adequate screening of said lot by a fence or wall, landscaping, provision for suitable surfacing and lighting.

SECTION 32 YARDS

Section 32.10 Statement of Intent

It is the intent of this Section of the Ordinance to establish regulations which apply to yard areas on parcels in the City of Gilroy.

Section 32.20 Yard Requirements

Every building hereafter constructed upon a building site shall be located on the site so as to provide for the yards specified in the regulations for the district in which the site is located.

- (a) Every such front or rear yard shall extend along a lot line the full width of the lot, and every such side yard shall extend along a lot line from the front yard or the front lot line to the rear yard. A required yard shall be open and unobstructed from the ground upward, except as otherwise provided herein. The required minimum depth or width of any yard shall be measured generally at right angles to the lot line and from the nearest point of the building. Where the side lot lines converge to a point, a line five (5) feet long within the lot parallel to and at a maximum distance from the front lot line shall be deemed to be the rear lot line for the purpose of determining the depth of the rear yard.
- (b) Where the building wall is not parallel to a side or a rear lot line the required least dimension of the side yard or the rear yard along such line may be applied to the average, provided that no such side yard shall be less than three (3) feet in width at any point, and no such rear yard shall be less than ten (10) feet in depth at any point.
- (c) The required depth of a front yard or of a side yard on the street side of a corner lot shall be measured from the property line of the public way, provided, that whenever a future width line is officially established, required yards shall be measured from such line or lines.

Section 32.30 Exceptions

The following exceptions shall apply to all required yards:

- (a) In any residential district where twenty-five percent (25%) or more of the lots in any block, exclusive of the frontage along the side of a corner lot, has been improved with at least six (6) buildings at the time of the passage of this Ordinance, and the front yards on such lots vary in depth to an extent not greater than six (6) feet, then the required front yard depth for such district shall be disregarded in such block and in lieu thereof the front yard required on each lot in such block shall be of a depth not less than the average depth of the front yards on the lots on which are located such existing buildings. In no case, however, shall any building be erected closer to any street line than any official plan line which may have been established for such street or than any future width line designated therefor by the provisions of this Ordinance.
- (b) When an interior lot in an R1 district is adjacent to a lot in another district, the required front setback for the R1 lot may be reduced to not less than the average of the required setbacks of the two districts.

- (c) In determining the depth of rear yard for any dwelling, where such rear yard opens into an alley, one-half ($\frac{1}{2}$) the width of such alley may be considered as a portion of such rear yard; provided, however, that this provision shall not be so applied as to reduce the depth of any rear yard to less than ten (10) feet; and provided, further, that in no case shall the door of any dwelling or improvement, except a fence, which door opens into an alley, be erected, constructed or established closer than fifteen (15) feet.

SECTION 33 TRAILERS AND RECREATIONAL VEHICLES

Section 33.10 Statement of Intent

It is the intent of this Section of the Ordinance to establish regulations that apply to the storage and parking of trailers and recreational vehicles in the City of Gilroy.

Section 33.20 Storage, All Zones

An operable recreational vehicle or trailer may be parked for storage in all zones, as follows:

- (a) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zone, where located;
- (b) Parking is permitted outside in a side yard or rear yard, provided it is not nearer than two (2) feet to the lot line;
- (c) Parking is permitted only for storage purposes, and any recreational vehicle or trailer shall not be:
 - (1) Used for dwelling purposes.
 - (2) Permanently connected to sewer lines, water lines, or electricity, except for a temporary electrical connection for charging batteries and other purposes. The use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
 - (3) Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (d) A recreational vehicle may be parked temporarily anywhere on the premises during active loading or unloading.

Section 33.30 Residential Zones

In residential zones, recreational vehicles shall be parked for storage only on property on which the vehicle's owner resides. In an R1 zone, parking is permitted outside a structure in the front yard on a paved driveway, provided all of the following conditions exist:

- (a) Space is not available in the rear yard or side yard, or the lot is not on a corner and has no reasonable access to either the side yard or rear yard;
- (b) Inside parking is not possible;
- (c) The vehicle is parked perpendicular to the front curb;
- (d) No part of the vehicle extends over the public sidewalk or public thoroughfare (right-of-way);
- (e) No more than one (1) recreational vehicle or trailer is parked in the front yard of each residential unit; and
- (f) The vehicle is parked at least five (5) feet from side property lines.

SECTION 34 FENCES AND OBSTRUCTIONS

Section 34.10 Statement of Intent

It is the intent of this Section to control the location, height and materials of fences and other visual or physical obstructions so that they do not adversely affect adjacent properties, or obstruct vision along public streets.

Section 34.20 Required Fencing

Section 34.21 Sound Wall

Commercial and industrial development abutting any residential zone shall install a sound wall six (6) feet high which shall not extend into the required front yard area of any adjacent residential zone.

Section 34.22 Storage of Building Materials and Junk

All storage of building materials, junk, scrap, or waste shall be screened from public view with a fence six (6) feet high, a landscaped soil berm, or an acceptable alternate approved by the Planning Director.

Section 34.23 Swimming Pools

Swimming pools eighteen (18) inches or more in depth at any point shall be enclosed by a fence or wall not less than four (4) feet in height. Such fence shall be constructed of such materials and in a manner such that the exterior surface is unbroken and difficult to scale or climb over. Openings in fences or walls enclosing swimming pools shall be such that a sphere four (4) inches in diameter cannot pass through. All gates must be self-closing and self-latching with adequate latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children. In R1 districts, fencing around the perimeter of the yard in which the pool is located may be deemed to comply with this Section if the fence, gates and latches meet the minimum requirements set forth above.

Section 34.30 Location and Height

Section 34.31 Residential Districts

Except in the following situations, fences and hedges in residential districts are permitted up to six (6) feet in height, measured from the finished grade on the higher side of the fence:

- (a) Fences or walls higher than three (3) feet above the curb shall be set back at least fifteen (15) feet from the front property line.
- (b) On a corner lot, fences, hedges or visual obstructions over three (3) feet above the sidewalk shall be at least five (5) feet back from the street side property line. In the case where a corner lot abuts the driveway side of a key lot, a fence, hedge or visual obstruction over three (3) feet above the sidewalk shall be ten (10) feet back from the street side property line for a distance of at least ten (10) feet from the rear property line.
- (c) Fences, hedges or other visual obstructions shall not be over three (3) feet high above the curb on a corner lot within a triangle formed by the curb lines and a line connecting those lines from points thereon which lie forty (40) feet from the intersection of the curb lines.
- (d) Where a fence is built upon or in conjunction with a retaining wall within five (5) feet of a property line, the maximum height of the retaining wall shall be three (3) feet. No additional retaining walls may be constructed

within five (5) feet of the first wall; the maximum height of any additional retaining wall shall be six (6) feet.

- (e) Fences or walls within the buildable areas as required for a main building are permitted up to eight (8) feet in height. Such fences or walls shall be set back a minimum of six (6) feet from any side lot line.
- (f) Fences adjacent to alleys are permitted up to seven (7) feet in height.
- (g) Where a fence or sound wall is required to meet sound attenuation standards as required by California Administrative Code Title 24 in addition to the standards of this section, such standards shall supercede the standards of this section.

Section 34.32 Commercial and Industrial Districts

Except in the following situations, fences and hedges in commercial or industrial districts are permitted up to six (6) feet in height, measured from the finished grade on the higher side of the fence:

- (a) Fences or walls higher than three (3) feet shall not be built within the required front setback.
- (b) Where a fence is built upon or in conjunction with a retaining wall within five (5) feet of a property line, the maximum height of the retaining wall shall be three (3) feet. No additional retaining walls may be constructed within five (5) feet of the first wall; the maximum height of any additional retaining wall shall be six (6) feet.
- (c) Fences, hedges or other visual obstructions shall not be over three (3) feet high above the curb on a corner lot within a triangle formed by the curb lines and a line connecting those lines from points thereon which lie forty (40) feet from the intersection of the curb lines.
- (d) Fences or walls within the buildable areas as allowed for a main building, are permitted up to twelve (12) feet in height, except when abutting any residential zone. Such fencing over six (6) feet in height shall be designed as an integral part of the main building on the site, and shall be approved through the Architectural and Site Review process under Section 50.40 of this Ordinance.
- (e) Where a fence or sound wall is required to meet sound attenuation standards as required by California Administrative Code Title 24 in addition to the standards of this section, such standards shall supercede the standards of this section.

Section 34.40 Prohibited Materials

Section 34.41 Barbed Wire Fences

Barbed wire, razor wire or similar fences shall not be installed within the City, except for the following:

- (a) Security fences in industrial zones and CM or C3 zones.
- (b) Security fences in C1 or C2 zones which are not visible from any public street or alley.

Section 34.42 Electrified Fences

Electrified fences of any kind shall not be installed within the City.

Section 34.43 Wire Mesh Fences

Wire mesh fences shall not be installed within the required front yard setback area or within the side yard setback area adjacent to a street in any residential zone. Wire mesh fences in any C1 or C2 commercial zone shall not be visible from any public street or alley.

SECTION 35 ANTENNAS AND WINDMILLS

Section 35.10 Statement of Intent

The intent of this Section of the Ordinance is to provide regulations which apply to the height, location and visibility of antennas, windmills and related structures in order to minimize visual pollution and potential adverse effects upon adjacent properties.

Section 35.20 Location and Height of Antennas in All Zones

Section 35.21

Antennas shall not be located in, nor extend over, any front yard or side yard setback as established by this Ordinance. All antennas and related structures shall be set back at least six (6) feet from any property boundary or vertical projection of such property boundary. Antennas and their supports shall be located at least ten (10) feet from any electrical power line, and located such that any collapse of the antenna will not result in contact with any power line carrying over four thousand (4000) volts.

Section 35.22

The maximum height for an antenna structure may exceed the maximum height limit for the zoning district in which it is located by no more than fifteen (15) feet. The height is measured from the average grade at the base of the main building on the site. No antenna structure will be permitted on an otherwise vacant parcel.

Section 35.23

In addition to meeting the preceeding regulations in this Section, dish antennas in R1 and R2 Residential Districts shall be permitted only between the main dwelling unit and rear property line and not within twenty (20) feet of any property line adjacent to a public right-of-way. Dish antennas shall not exceed fifteen (15) feet in height.

In all other zoning districts (other than R1 and R2), dish antennas shall be screened to comply with Section 50.45 of this Code related to mechanical appurtenances whether such dish antenna is located on the roof or on the ground.

Section 35.24

It shall be the responsibility of the owner of any antenna to obtain any necessary permits and to install and maintain any antenna system in safe and hazard-free condition.

Section 35.25

No antennas or related structure may be attached to any tree, shrub or public utility pole.

Section 35.30 Windmills

Windmills and related structures shall conform to all height and setback requirements as established for the main building in the zoning district in which the windmill is located. The setback distance and maximum height shall be measured from the greatest possible extension of any fixed or movable part of the windmill or related structure. Windmills shall be located at least ten (10) feet from any electrical power line.

SECTION 36 SWIMMING POOLS

Section 36.10 Statement of Intent

The intent of this Section is to regulate the location of swimming pools to safeguard life, health, property and the public welfare.

Section 36.20 Swimming Pool Locations

No swimming pool shall be constructed in any required front yard, or in any side yard setback on the street side of a corner lot, as required by the provisions of this Ordinance.

The distance from the inner surface of the pool wall to any property line shall be not less than five (5) feet. The distance from the inner surface of the pool wall to the bearing wall of a dwelling, main building, garage or other accessory building shall be not less than five (5) feet, except for pools built above ground, pools of less than two thousand (2000) gallons in volume, or indoor pools designed by a registered structural engineer and approved by the City Engineer.

Section 36.30 Swimming Pool Fencing

Fencing shall be provided to enclose all swimming pool areas as specified in Section 34 of this Ordinance.

SECTION 37 SIGN REGULATIONS

Section 37.10 Statement of Intent

It is the intent of this Section of the Ordinance to:

- (a) Provide minimum standards to safeguard life, health, property and the public welfare by regulating and controlling the location, placement, size, numbers, surface area, illumination, materials, and maintenance of signs and sign structures.
- (b) Preserve the natural beauty of the City and to maintain the orderliness of the community's appearance.
- (c) Ensure that signs will be designed as a part of the architectural and landscape design of all properties so as to enhance the beauty of the City and implement the beautification goals and policies of the Gilroy General Plan.

Section 37.20 Sign Permits

Section 37.21 Issuance

Permits shall be required for all signs in Gilroy, except those specifically exempted by Section 37.24. No sign, outdoor advertising structure, billboard or display shall be erected, installed, located or maintained in any zoning district of the City of Gilroy, except in conformity with these regulations and the approved sign permit. Additional signs and relocations or alterations of existing signs after the sign permit has been issued must conform to and be approved in the same manner as the original application. A building permit may also be required. Signs which are not constructed in conformance with the sign permit application, drawings and diagrams, shall be deemed not to have been issued a valid sign permit. Signs shall be subject to design review according to the provisions of Section 50.40, but shall not be charged for design review. Sign permits shall not be issued where the Planning Director finds that a proposed sign, which otherwise conforms to this Ordinance, fails to contribute to the beautification of the City.

Section 37.22 Application and Fees

All applications for sign permits shall be accompanied by sketches and diagrams of suitable scale and clarity to fully describe the design, dimensions, proposed placement, structural and electrical characteristics and appearance of the sign or signs. In proposing signs, applicants shall give explicit attention to designing and locating signs so as to ensure harmony with the existing or proposed architecture and landscape design of the property upon which the sign is to be situated. Fees for sign permits shall be established from time to time by resolution of the City Council.

Section 37.23 Expiration

If the work as authorized under the properly approved sign permit has not been completed within six (6) months after the date of its issuance, such permit shall become null and void. If after six (6) months from the date of the issuance of a sign permit, any portion of the sign has been erected and the construction work thereon is not completed, the Planning Director may cause the removal of such partially completed sign.

Section 37.24 Exemptions

No sign permit will be required for the signs listed below. Signs above and beyond those exempted below shall meet the provisions of the remainder of this Section. In no case shall a sign be deemed to be exempt if it is listed as a prohibited sign in Section 37.31.

- (a) One name plate, less than three (3) square feet in area located adjacent to one entryway, for each business or occupant in any zone; including under canopy signs over private property.
- (b) Memorial signs or tablets, names of buildings and date of erection when cut into a masonry surface or when constructed of bronze or other noncombustible material which do not exceed four (4) square feet in area.
- (c) Traffic or other municipal signs, legal notices, railroad crossings signs, danger and temporary or emergency nonadvertising signs.
- (d) Temporary signs of a directional nature when used for a period of less than twenty-four (24) hours.
- (e) Temporary signs and banners of a civic, charitable, educational or municipal nature including public events and parades for a time period not to exceed thirty (30) days, provided the location, size and safety is approved by the Chief Building Inspector. Such signs shall not contain advertising.
- (f) Temporary banners, and similar advertising devices located over private property to advertise business opening, sales and special promotions which are maintained for a consecutive period of less than thirty (30) calendar days. Such signs shall not be replaced by the same or similar signs within one hundred eighty (180) calendar days after removal.
- (g) Temporary signs on windows of commercial buildings, provided no more than twenty-five per cent (25%) of the window surface is covered, for a time period not to exceed fifteen (15) days.
- (h) Service club signs, provided only one of each composite structures be permitted on each main entrance to the city, and provided the design size and height be approved by the Planning Commission.
- (i) Signs identifying the existence or location of public utility facilities.
- (j) One identification sign or bulletin board for public, charitable or religious institutions. Such signs may not exceed twenty (20) square feet in area, or six (6) feet in height (if freestanding), and must be set back at least ten (10) feet from any property line.
- (k) One on-site construction sign not to exceed six (6) feet in height erected by a building contractor, subcontractor, architect or engineer while actually engaged in construction of a building. In commercial or industrial zones, up to thirty-two (32) square feet in area is allowed; in a residential zoning district, up to sixteen (16) square feet is allowed. Such signs shall be removed immediately after the completion of the construction advertised by the sign.
- (l) One on-site real estate sign pertaining to the sale, lease, rental or display of a structure or of land which shall not exceed four (4) square feet in area.
- (m) Political signs or placards which are erected less than ninety (90) days before and removed less than ten (10) days after the election for which they are posted. Political signs shall not be placed on any portion of a street, sidewalk, or public right-of-way.

- (n) On-site directional signs, including no trespassing and no dumping signs, up to four (4) square feet in area and not exceeding four (4) feet in height. Four (4) such signs are permitted for developments under one acre, eight (8) for developments over one (1) acre, and twelve (12) for developments over fifteen (15) acres.
- (o) One (1) freestanding and one (1) wall-mounted drive-up window or menu board sign, up to a combined total of twenty (20) square feet is permitted for businesses with a drive-up or walk-up window.
- (p) Up to four (4) on-site temporary garage, yard or patio sale signs not to exceed a total of sixteen (16) square feet.
- (q) Holiday decorations displayed for no more than forty-five (45) days for each holiday.
- (r) Signing not to exceed sixteen (16) square feet directly affixed to a mobile vendor or temporary business establishment located in any commercial district.

Section 37.30 Regulations in All Districts

Section 37.31 Prohibited Signs

Except as otherwise provided in this Ordinance the following signs shall be prohibited throughout the City of Gilroy:

- (a) Signs on or projecting above the roof (other than a gable or mansard type roof) or the canopy of a structure, or signs which appear to be roof signs from the public right-of-way.
- (b) Signs projecting more than thirty-six (36) inches above the lowest edge of the eave of a gable or mansard type roof. A sign may be permitted on a vertical surface specifically designed to accommodate a sign, which is lower than the crest of the roof, if such sign area is approved by the Planning Director.
- (c) Flags, pennants, balloons, streamers, and objects designed to move with the wind, except for flags of the United States of America and the State of California on a flagpole for which a building permit has been issued.
- (d) Lighted signs that flash on and off, except time and weather signs which change less than six (6) times per minute.
- (e) Any sign feature which moves or is designed to move, except for signs which rotate at less than six (6) revolutions per minute.
- (f) Lighted signs whose surface brightness is a detriment to surrounding property, prevents the peaceful enjoyment of life or presents a conflict with safe traffic movement; or advertising displays which emit audible sound, odor, or visible matter.
- (g) Any sign which because of flashing lights, brilliant lighting, motion or apparent motion, shape, design color or reflected light is a detriment to surrounding property or prevents the peaceful enjoyment of residential uses or presents a conflict with the traffic regulations or traffic safety.
- (h) Any sign which has a design or lighting such that it might be mistaken for a traffic light or signal.
- (i) Signs located in such a manner as to obstruct free and clear vision or the view of any authorized traffic sign, signal or device.
- (j) Any sign which because of its location would prevent free ingress to or egress from any door, window, fire escape, driveway, sidewalk or bike path, or would obstruct an outward view from any living area.

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- (k) Any signs attached to a standpipe or fire escape.
- (l) Signs projecting into a public street, alley or identifiable pedestrian way more than twelve (12) inches excluding signs allowed on awnings.
- (m) Signs projecting into a public right-of-way having less than eight (8) feet clearance between the lowest edge of the sign and the sidewalk grade.
- (n) Signs projecting into a public street area used by vehicular traffic having less than fifteen (15) feet clearance between the lowest edge of the sign and the street grade.
- (o) New signs painted or existing signs repainted directly on any building or structure unless conforming to the requirements of this Ordinance.
- (p) Any off-site advertising sign, including billboards, in any district.
- (q) Placards, posters, announcements and similar signs attached to any fence, pole, tree or any other object in a public thoroughfare, except those of an official nature authorized by a City Ordinance.
- (r) Signs, including but not limited to portable signs, placed on parked vehicles or trailers.
- (s) Any sign which conflicts with any rule, regulation or order of the California Public Utility Commission pertaining to the construction, operation and maintenance of public utility facilities.
- (t) Signs advertising incidental or minor products combined with a business identification sign.
- (u) Signs placed upon, attached to or constructed on any awning; except for signs which occupy no more than twenty percent (20%) of the surface area of the awning, and which are printed, painted, marked, stamped or otherwise impressed upon the surface of an awning so that it is an integral part of the fabric, and which are on a surface of the awning which is vertical or within ten (10) degrees of vertical, and is parallel to the front of the building.
- (v) Signs higher than three (3) feet above the sidewalk elevation or having a solid face less than seven (7) feet above grade on a corner lot within a triangle formed by the curb lines as extended and a line connecting those lines from points thereon which lie forty (40) feet from the intersection of the curb lines.
- (w) Signs higher than three (3) feet above the sidewalk elevation or having a solid face less than seven (7) feet above grade within five (5) feet of the intersection of any access drive and public sidewalk.
- (x) Abandoned signs or signs which no longer identify a bonafide business entity.
- (y) Signs, graphics, window displays or materials offered for sale from newsracks displayed in a manner which exposes photographs or illustrations of specified sexual activities or specified anatomical areas to public view.
- (z) Signs with exposed bracing, guy wires or cables.
- (aa) Crudely painted, chalked or other improvised lettering on any sign.
- (bb) Signs placed on any portion of a street, sidewalk, or public right-of-way, excluding signs on newspaper vending machines which may not exceed three (3) square feet in sign area.

Section 37.32 Signs on Public Property

The Planning Commission shall review and act upon proposals for signs not listed as exempt which are located on City or other public property, taking into consideration the nature and use of the property, the necessity of the sign, and whether the signs would detract from or be in harmony with the public purposes of the City property and with existing or contemplated surrounding development.

Section 37.40 Signs in Residential and Agricultural Districts

Section 37.41 Signs in Residential Districts

All signs within residential districts shall be complimentary to the building design, as determined by and subject to the approval of the Zoning Administrator. Only signs which are exempted in Section 37.24 or which meet the following standards will be permitted in any residential zoning district:

- (a) One (1) freestanding house number-apartment building identification sign or one (1) wall sign, located flat against a wall and not projecting above the cornice or roof line of a structure located on the premises, shall be permitted for each multi-family complex or mobile home park containing between five (5) and thirty (30) units. Such signing, if freestanding, shall not exceed six (6) square feet in area, shall not be illuminated nor rotating, shall not exceed four (4) feet in height, and shall be set back at least ten (10) feet from the front property line. Such signing, if located flat against a wall, shall not exceed twelve (12) square feet in area, and shall not be illuminated.
- (b) One (1) freestanding house number-apartment building identification sign or one (1) wall sign, located flat against a wall and not projecting above the cornice or roof line of a structure located on the premises, shall be permitted for each street frontage of each multi-family complex or mobile home park containing thirty (30) or more units. Such signing, if freestanding, shall not exceed eighteen (18) square feet in area, shall not be illuminated nor rotating, shall not exceed six (6) feet in height, and shall be set back at least ten (10) feet from the front property line. Such signing, if located flat against a wall, shall not exceed twenty-four (24) square feet in area, and shall not be illuminated.
- (c) Residential subdivision signs, advertising a tract having five (5) or more units for sale, may locate one (1) freestanding or wall on-site sign, up to thirty-two (32) square feet in area plus locate up to three (3) off-site directional signs, located on private property within Gilroy, up to thirty-two (32) square feet each. Such signs shall be non-illuminated, with a maximum height of eight (8) feet. Such signs shall be removed immediately after completion of sales or after one (1) year, whichever occurs first, unless granted an extension by the Planning Director.
- (d) Bed and breakfast establishments shall be allowed one (1) sign, as described in Section 37.24 (a). Such signs shall match the architectural features of the structure. The words "hotel" or "motel" shall not be allowed.

Section 37.42 Signs in Agricultural Districts

Only signs which are exempted in Section 37.24 or which meet the following standards will be permitted in any agricultural zoning district.

- (a) Signs may be permitted to advertise the sale of only those farm products which are grown on the site, and such signs may not exceed a total of thirty-two (32) square feet of sign area, which may include only one (1) freestanding sign.

Section 37.50 Signs in Commercial and Industrial Districts

Only signs meeting the following standards will be permitted in commercial or industrial districts, provided that all other applicable provisions of this Ordinance are also complied with:

- (a) Signs shall be located and erected only upon the premises occupied by the person or business to be identified or advertised by such signs. The location of all signs shall be in compliance with the building, electrical and fire prevention codes of the City as amended.
- (b) The maximum permissible total sign area for all signs including freestanding signs (but excluding master shopping center and freeway signs), for all commercial or industrial districts shall not exceed the maximum total sign area for each business, according to the following table:

	COLUMN 1 Maximum total sign area permitted (in square feet) for each lineal foot of building frontage	COLUMN 2 Maximum total sign area permitted (in square feet) regardless of building frontage (except as provided in subsec. f)
PO Professional Office District	N/A	10
C1 Neighborhood Commercial District	1 1/2	75
C2 Central Commercial District	2	75
All other Commercial Districts (C3,HC,CM)	1 1/2	150
Industrial Districts (M1,M2)	1	350

The permitted sign area may be mounted on a freestanding sign and on any side of a building, except no sign shall be mounted on the side of a building abutting and facing a freeway. The lineal footage of a building frontage shall be that distance of building facing a public street. The maximum sign area for buildings which front on more than one street shall be calculated by using the longest of any one such frontage. In a commercial or industrial complex where there are three (3) or more tenants, the maximum sign area for each tenant may be calculated by using the greater of (1) the building elevation fronting a street or (2) the building elevation fronting directly on the parking lot for the commercial or industrial complex.

- (c) The maximum number of freestanding signs shall be one (1) per business, building, or parcel, whichever is most restrictive. An individual business shall not be permitted to have a freestanding sign where there is a master shopping center or group sign. The area of the freestanding sign shall be included in the maximum area allowed. The maximum height for any freestanding sign shall be thirty (30) feet, except for freestanding signs in a PO Professional Office District which shall not exceed eight (8) feet in height, and except for freeway oriented signs, and master shopping center signs.
- (d) The maximum thickness of wall signs shall be twelve (12) inches where the building abuts the property line and eighteen (18) inches elsewhere.
- (e) Credit card and trading stamp signs shall be included in the maximum sign area allowed. One (1) additional sign per business will be allowed which shall contain all credit card and trading stamp emblems. The total area of this sign shall not exceed four (4) square feet.
- (f) Each business, in any commercial or industrial zoning district other than the PO Professional Office District, regardless of building frontage, shall be allowed a

- minimum of twenty (20) square feet of total sign area. To allow for such sign area for a new business on a parcel containing a pre-existing business, the maximum total sign area may exceed the maximum limit in column 2, subsection (b), but shall not exceed the maximum limit in column 1, subsection (b).
- (g) Readerboard signs in commercial districts shall be permitted only to the extent that they conform with and are included in the total sign area permitted for a business in that district.

Section 37.51 Freeway Oriented Signs

In certain instances, one (1) on-site freeway-oriented sign may be permitted in addition to one (1) monument sign. The freeway-oriented sign shall not exceed sixty (60) feet in height and shall not exceed one hundred (100) square feet of sign area. The parcel on which the freeway sign is to be located must meet all of the following criteria:

- (a) The parcel exceeds twenty thousand (20,000) square feet in land area.
- (b) The parcel is within six hundred sixty (660) feet of an off-ramp from U.S.101.
- (c) The parcel is occupied by a use which is a permitted use in an HC Highway Commercial District.

Up to one hundred fifty (150) square feet of sign area for the freeway sign is permitted where additional freestanding signage is limited to one (1) monument sign not exceeding thirty-six (36) square feet in area.

Section 37.52 Master Shopping Center Signs

A master shopping center sign may be permitted in any commercial district, except the PO Professional Office District, if the shopping center has at least five (5) distinct commercial business occupants, includes twenty thousand (20,000) square feet of floor area. A master shopping center sign may be either freestanding or wall-mounted and may be permitted in addition to the maximum area of signing allowed under Section 37.50. Where a master shopping center sign is used, freestanding signs for individual businesses will not be allowed.

- (a) The area of a Master Shopping Center sign shall be calculated at the rate of one (1) square foot of sign area for each parking stall provided for the shopping center up to a maximum of two hundred (200) square feet. Only seventy-five percent (75%) of the area calculated will be permitted at any property line, with an increase of one percent (1%) for each foot the sign is set back from the property line, to a maximum of one hundred percent (100%).
- (b) The maximum height for a Master Shopping Center sign is fifty (50) feet.

Section 37.53 Professional Office Group Signs

A professional office group sign may be permitted for an office complex which has at least five (5) distinct office businesses. A professional office group sign may be either freestanding or wall-mounted, and may be permitted in addition to the maximum area of signing allowed under Section 37.50, but shall not exceed twenty-four (24) square feet in area. A freestanding professional office group sign may be permitted only when no other freestanding sign exists on the site, and shall not exceed seven (7) feet in height.

Section 37.54 Industrial Group Signs

A pair of entryway signs may be allowed at each of two (2) entrances to any industrial park exceeding one hundred (100) acres of land in an industrial district. Such signs shall not exceed six (6) feet in height or one hundred (100) square feet of total sign area at each entryway.

Section 37.55 Service Station Signs

The following regulations shall apply to all service station signs regardless of the zoning district in which the service station is located:

- (a) The maximum allowable sign area for all signs shall be one hundred (100) square feet.
- (b) All freestanding signs shall meet the requirements as listed in Section 37.50 for the zone in which it is located, except that one (1) ground sign per station frontage for price display is permitted up to fifteen (15) square feet in area. Such ground signs shall not exceed five (5) feet in height and shall be located so as not to obstruct free and clear vision of traffic or traffic signs and devices. A freestanding sign may incorporate a price sign only where the height of such sign does not exceed five (5) feet. Price signs that comply with these regulations will be permitted in addition to the maximum allowable sign area. Price signs that do not comply shall be included as part of the total allowable sign area for the service station.
- (c) Signs advertising items such as batteries, tires and other accessories or products shall be counted as part of the total sign area allowed.
- (d) A maximum of two (2) square feet of signs and information mounted directly to the top of gasoline pumps will be permitted in addition to the total allowable sign area.
- (e) Gasoline grade and pricing information which is mounted on, and is an integral part of, a gasoline pump will be permitted in addition to the allowable sign area.

Section 37.56 Commercial and Industrial Real Estate Signs

Real estate signs located in commercial or industrial districts shall be non-illuminated, shall be set back at least ten (10) feet from the property line adjacent to a public street, and shall be removed immediately upon sale or lease of the land or building advertised by the sign, or after one (1) year, whichever occurs first, unless granted an extension by the Planning Director. Such signs shall meet the following criteria:

- (a) On lots of one (1) acre or less, the maximum number of signs shall be one (1), the maximum sign area shall be eight (8) square feet, and the maximum height shall be six (6) feet.
- (b) On lots or a tract of lots over one (1) acre, the maximum number of signs shall be one (1), the maximum sign area shall be thirty-two (32) square feet, and the maximum height shall be six (6) feet.
- (c) On lots or a tract of lots totaling over twenty (20) acres, only one (1) sign shall be permitted per street frontage with a maximum of two (2) such signs allowed, the maximum sign area shall be seventy-five (75) square feet per sign, and the maximum height shall be ten (10) feet.

Section 37.60 Special Sign Permits

For commercial or industrial developments encompassing at least twenty thousand (20,000) square feet of floor area, five (5) acres of land and at least four (4) uses, the Planning Director may issue a special sign permit in order to allow voluntary diversification in the design and location of signs while insuring substantial compliance with the sign regulations contained in this Ordinance if all of the following findings are made:

- (a) All signs and sign structures are related through the use of similar materials, letter style, color, illumination, method of structural support or attachment, sign cabinet design, and/or shape so that a related signing pattern is achieved throughout the development.
- (b) The design of the signs is related to the architectural style of buildings within the development and the character of the surrounding area.
- (c) Proportional relationships are achieved among the building surface area and bulk of sign element areas.
- (d) Signs located above the eave line are integral design features of the roof or building.
- (e) The design of freestanding signs incorporates some of the horizontal and vertical elements of the buildings (i.e. materials, color, design details) located within the signing area.
- (f) The overall sign area is less than would be allowed for the overall project, even though some signs might exceed the normally permitted areas.
- (g) The overall sign program is aesthetically superior to that which could be provided under the normal provisions of the sign ordinance.

Section 37.70 Maintenance

Every sign shall be erected as specified in the sign permit. Every sign and all parts and materials together with the frame, background, supports or anchorage therefore, shall be maintained in proper repair. The display surface of all signs shall be kept neatly painted and/or posted. Failure to so maintain signs shall constitute a violation of this Ordinance and removal may be ordered by the Planning Director.

Section 37.80 Amortization

- (a) A variance is granted automatically to permit the continuation of the use of any sign, having a valid City of Gilroy sign permit, which existed immediately prior to the effective date of this Ordinance or any amendment to that Ordinance and was not in violation of any other Ordinance or law. Such variance shall become invalid if such sign is abandoned for a period of six (6) months or modified such that fifty percent (50%) of the value of the sign is affected.
- (b) A variance for no more than three (3) years from the effective date of annexation to the City of Gilroy is granted automatically to permit the continuation of the use of any sign, except temporary or portable signs, located on any annexed parcel of land.
- (c) A variance for no more than ninety (90) days from the effective date of annexation to the City of Gilroy is granted automatically to permit the continuation of the use of a temporary or portable sign located on any annexed parcel of land.

SECTION 38 LANDSCAPING AND STREET TREES

Section 38.10 Statement of Intent

It is the intent of this Section of the Ordinance to establish regulations governing the provision and maintenance of landscaping and street trees in the City of Gilroy.

Section 38.20 Landscaping Required

Section 38.21 Residential Zones

All multi-family residential developments shall landscape all yard areas required by this Ordinance (or an equivalent area elsewhere on the site) which are not specifically used for driveways, walkways, patios or similar purposes. At least thirty-five percent (35%) of the required landscaped area shall be designed to be useable as open recreational area.

Section 38.22 Commercial Zones

All commercial development shall provide landscaping within the areas of the development most visible from the adjacent streets. A minimum ten (10) foot wide planter area shall be provided along each street frontage in addition to the public right-of-way. At least eight percent (8%) of the gross land area, in addition to the public right-of-way, shall be landscaped, except in C2 districts where front and side yard setbacks are not utilized. All portions of a site with over forty (40) square feet of area not specifically used for parking, driveways, walkways or similar access shall be landscaped. Landscaped islands shall be located in parking lots at the rate of at least fifty (50) square feet for every twelve (12) stalls, and shall be evenly distributed throughout the parking area. Planter areas shall be at least five (5) feet wide except in specific site situations where the Planning Director rules that this width is impractical.

Section 38.23 Industrial Zones

All industrial developments shall landscape the front and side yard areas adjacent to streets as required by this Ordinance which are not specifically used for parking, driveways, walkways or similar paved access. Such paved areas shall not exceed fifty percent (50%) of the area of said setbacks. Additional landscaping shall be required to fully screen exposed storage yards. Planter areas shall be at least five (5) feet wide except in specific site situations where the Planning Director rules that this width is impractical.

Section 38.30 Landscaping Installation and Maintenance Requirements

All landscaping shall be installed and maintained according to the following minimum standards:

- (a) All landscaping shall be installed in accordance with the adopted Landscaping Policy, and a landscaping plan approved by the Planning Director.
- (b) Only healthy, well-formed and vigorous plant materials shall be used.
- (c) An irrigation system shall be provided which will adequately supply water to all plant materials in all planter areas using water conservation methods if possible.
- (d) Soil amendments shall be used where poor soil conditions exist.

amend. 1-85

- (e) All plant materials shall be maintained in a live and healthy condition, and free of weeds. The developer and owner shall be required to remove weeds and replace all sick or dead plant materials for a six (6) month period after installation.

Section 38.40 Street Trees

Street trees shall be selected and installed for all new development in accordance with the following criteria:

- (a) A fee, as established from time to time by resolution of the City Council, will be assessed for required street trees when a building permit is issued.
- (b) The species of street tree designated by the Parks and Recreation Department shall be used. Applicants may request substitution of the designated street tree if it is not compatible with the proposed landscape plan.
- (c) The City will install all street trees in the public right-of-way. Applicants may plant street trees by obtaining a street tree planting permit from the Parks and Recreation Department and installing the street trees in accordance with the requirements of the Parks and Recreation Department.
- (d) Deep root planters shall be provided for all street trees in planter areas as specified in the adopted street tree planting policy.

Section 38.50 Design Features

Landscaping shall be designed to enhance the aesthetic quality of the development by use of the following design features:

- (a) Parking areas shall be screened from adjacent residential areas and streets, except at driveways and street corners where visibility is needed.
- (b) In certain locations, such as around trash enclosures, carports, pool equipment and electronic transformers, the landscaping shall be designed to provide a visual screen from these less pleasing features of the development.
- (c) Trees shall be provided to shade large paved areas and to screen long building frontages.
- (d) Trees and shrubs shall be clustered together, for accent, to form aesthetically pleasing groups and patterns.
- (e) The density and placement of plants are to be determined by the plant size at maturity. The size of ground cover and shrubs, when installed, shall give enough coverage for a pleasing appearance in all landscaped areas.
- (f) Trees shall have a minimum fifteen (15) gallon container size.
- (g) Drought-resistant plant materials shall be selected when feasible.
- (h) Gravel, redwood bark chips and similar material shall not be used as major landscaping design features except in children's play areas. These materials may only be used to cover bare soil between plant materials until the plants fill in at maturity.
- (i) Sturdy raised curbs shall separate all planter areas from driveways and parking areas where feasible. Wheel stops need not be provided in parking areas where the front two (2) feet of the planter area is planted with low ground cover to accommodate the overhang.
- (j) Deep root planters must be provided where trees are planted within three (3) feet of the City pavement or sidewalk.

SECTION 39 ACCESSORY BUILDINGS

Section 39.10 Statement of Intent

The intent of this Section of the Ordinance is to provide regulations for buildings or structures which are not main buildings on parcels, and in which the principal use of the land does not take place.

Section 39.20 Permitted Zones for Accessory Buildings

Accessory buildings as regulated herein are permitted in any district, whether constructed at the same time as the main building on the lot, or subsequently. Accessory buildings in any commercial or industrial zone shall be built subject to all of the same restrictions as apply to the main building on the lot.

Section 39.30 Accessory Buildings in Residential Zones

Accessory buildings are permitted in residential zones only when they comply with the following restrictions:

- (a) No accessory building shall be located within three (3) feet of any side or rear property line.
- (b) No accessory building shall encroach upon the required front yard area or be located within ten (10) feet of the property line along side yard on the street side of a corner lot.
- (c) No more than two (2) accessory buildings shall be permitted on one (1) lot.
- (d) Accessory buildings shall not occupy more than thirty percent (30%) of the lot area; nor shall accessory buildings plus the main buildings on any site occupy more than the maximum lot coverage, if any, as specified for the district in which the lot is located.
- (e) No accessory building shall be located closer than five (5) feet to any main building on the same lot. An accessory building may be connected to the main building by a breezeway which does not exceed five (5) feet in width.
- (f) No accessory building shall exceed twenty (20) feet in height, nor shall any accessory building exceed one (1) story.
- (g) Except for guest houses, accessory buildings shall not be used for dwelling purposes. Only one (1) guest house accessory building is permitted on a lot. No kitchen facilities will be allowed in any accessory building or guest house. An accessory building which is intended for use as a guest house shall not exceed six hundred and forty (640) square feet in area, or twenty-five (25%) of the main building floor area, whichever is more restrictive. No rent or other compensation may be paid or received in exchange for the occupancy of a guest house.

Section 39.40 Decks

In residential districts, no deck shall be constructed within three (3) feet from any rear or side property lines. Decks in residential districts which are at a finished elevation of thirty (30) inches or more above the ground, or which have vertical components or fixed seats above the finished surface which are within five (5) feet of the main building at any point above the finished floor elevation, shall be considered part of the main building and shall adhere to the setback requirements specified in Section 11 of this Ordinance.

SECTION 40 HOME OCCUPATION

Section 40.10 Statement of Intent

The intent of the Home Occupation regulations is to allow for the orderly, safe, and nuisance-free development of a use or occupation within a dwelling unit which is clearly incidental and subordinate to the use of the dwelling for residential purposes. It is the intent of these regulations to reduce the impact of a home occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity.

Home occupations, as defined by this Section, may be conducted in any residential district and agricultural district, provided such occupations are in compliance with the regulations set forth in this Section and all other standards and regulations pertaining to permitted uses within the zoning district in which the home occupation is located.

Section 40.20 Permitted Uses for Home Occupations

Any professional or business activity, except those listed in Section 40.40 as not suitable as a home occupation, is permitted in a dwelling unit as a home occupation only where such a use in a dwelling unit meets all of the following criteria:

- (a) Only the residents occupying the dwelling unit may engage in a home occupation and not more than two (2) such occupants shall be engaged therein.
- (b) A home occupation shall be confined to, and carried on exclusively within, the main building of the dwelling unit, not within an accessory building.
- (c) There shall be no change in the outside appearance of the building premises, or any visible evidence of the conduct of such home occupation or any construction feature or alteration not of a residential character.
- (d) There shall be no show windows, window displays or advertising on signs, structures, or vehicles on or near the site designed to attract customers, clients or the general public to the premises.
- (e) There shall be no conduct of a business or office open to the public.
- (f) No materials shall be transported to or from the premises in a commercial vehicle.
- (g) There shall be no generation of pedestrian or vehicular traffic beyond that normal to the district.
- (h) No products shall be sold on the premises except artist's originals or products individually made to order on the premises.
- (i) No materials, supplies or equipment shall be stored out-of-doors or in any required garage space.
- (j) There shall be no operational characteristic or effect, including color, lighting, noise, vibration, electrical disturbance, smoke or odor discernable at the exterior boundaries of the building site, which would identify the premises as serving a nonresidential purpose.
- (k) A home occupation shall be limited to having only two (2) clients, patients, or pupils present on the premises at any time.

Section 40.30 Home Occupations Requiring a Conditional Use Permit

Any use or occupation which does not meet the criteria set forth in Section 40.20 of this Ordinance may be permitted in a residential zone only in accordance with a conditional use permit which may be issued by the Planning Commission.

Section 40.40 Uses Not Permitted as Home Occupations

The following uses shall not be construed to be home occupations:

- (a) Animal hospitals, or the harboring, training, raising or treatment of animals or birds for commercial purposes.
- (b) The repair or reconditioning on the residential site for commercial purposes of motor vehicles or equipment, boats, or recreation vehicles, or display for sale of any vehicle.
- (c) Beauty parlors, barber shops.
- (d) Medical, dental or chiropractic clinics or hospitals.
- (e) Uses which entail food handling, processing or packing.
- (f) Palmistry, fortune tellers, astrology readers, mystics, and all other prophecy for a fee related businesses.

Section 40.50 Non-Conformance to Criteria

Any permitted use or conditional use shall continuously conform to all the criteria set forth in this Ordinance and in the conditions of the use permit. Any home occupation in a residential or agricultural district which fails to conform to any of these criteria or conditions shall immediately cease and all permits, including business license, shall immediately be null and void.

SECTION 41 PERFORMANCE STANDARDS

Section 41.10 Statement of Intent

It is the intent of this Section of the Ordinance to provide general standards which will protect the health, safety, and welfare of residents of the City of Gilroy from land uses which would include any dangerous, injurious, noxious, or otherwise objectionable public nuisance.

Section 41.20 General Provisions

No land or building in any zoning district in the City shall be used or occupied in any manner so as to constitute any dangerous, injurious, noxious or otherwise objectionable public nuisance. This would include uses that would create objectionable nuisance because of fire, explosive or other hazard; noise or vibration; smoke, dust, odor or any other form of air pollution; glare, heat, cold, dampness; electrical disturbance; radioactivity; liquid or solid refuse and waste or any other form of water or soil pollution.

Section 41.30 Specific Provisions - Hazardous Material Storage

Any storage of more than fifty-five (55) gallons of any one (1) hazardous material listed in the City's adopted Hazardous Material Storage Ordinance shall require issuance of a conditional use permit. Such conditional use permit shall be valid for no more than one (1) year at a time, but may be renewed on an annual basis by the Planning Director. If the Planning Director determines that there have been no known problems in relation to the storage of hazardous materials on the site, the renewal may be granted. If the Planning Director determines that there have been such problems, the use permit shall become void until or unless the determination is successfully appealed or a new conditional use permit is obtained. In any case, no quantity greater than fifty-five (55) gallons of any material listed in the City's adopted Hazardous Material Storage Ordinance shall be stored within four hundred (400) feet of any residential zoning district or water well of the City of Gilroy.

Section 41.40 Enforcement

The owner or operator of each land use to which performance standards apply shall be responsible for maintaining a continuing level of performance within limits set by the City Council. Initial and continued compliance with performance standards prescribed by the City Council is required of every use in the City and provisions for the enforcement of continued compliance with performance standards shall be invoked by the Planning Director against any use, if there are reasonable grounds to believe that performance standards are being violated by such use. When a violation is noticed, a report shall be forwarded to the Planning Commission for its consideration.

Section 41.50 Planning Commission Action

Upon receipt of the Planning Director's report on a violation of performance standards, the Planning Commission shall hold a public hearing to consider the matter. Upon a finding of the Planning Commission that a violation exists or that corrective action is necessary to prevent the occurrence or the recurrence of a violation, the operator of the violating facility shall be ordered to cease and desist; and all permits, zoning clearances or any other approvals for the operation shall be voided and terminated until such time as the corrective action is taken and such action approved by the Planning Commission.

SECTIONS 42-44

THESE SECTION NUMBERS ARE RESERVED FOR FUTURE USE.

PART THREE

STANDARD REGULATIONS AND PROCEDURES

SECTION 45 GENERAL REGULATIONS

Section 45.10 Regulations For All Districts

The following regulations shall apply to all districts within the City of Gilroy. If any regulations specified in this Section differ from any of the corresponding regulations specified in another Section, this Section will prevail.

- (a) No building permit shall be issued for any use within any district unless all buildings, layout, parking, and landscaping plans including all signs have been submitted and approved by the Directors of Planning and Public Works or their representatives.
- (b) In unusual circumstances in specific areas and after a public hearing, the Planning Commission may by resolution specify more restrictive building line setbacks, yard regulations, area regulations, and building height limitations as are consistent with the use to which the property is to be put, and which will protect the general character of the neighborhood.

Section 45.20 Annexation of Unzoned Land

Any lands annexed to the City after the effective date of this Ordinance which have not been prezoned to a particular zoning district shall immediately upon such annexation be automatically classified as an A1 district until another zoning district for such areas has been adopted by the City Council upon recommendation of the Planning Commission.

SECTION 46 EXCEPTIONS

Section 46.10 Public Service Exceptions

This Ordinance shall not limit or interfere with the temporary use of any property as a public voting place; or with the construction, installation or operation by any public agency or private corporation of any power transmission and distribution line, communication facility, or transportation line or conduit; or of any incidental appurtenances to any of the above, when located in a street or a utility easement. Nothing in this Ordinance shall be deemed to prohibit the excavating of natural materials for the construction of a permitted building on the same lot, and no use permit shall be required for such excavating.

Section 46.20 Building Site Requirement Exceptions

Even though the width of the area is less than the minimum required by this Ordinance for the district, any of the following specified lots or parcels of land may be used as a building site if all other requirements are met; provided, that no more than one (1) dwelling unit shall be placed upon any such lot or parcel:

- (a) Any lot shown on a subdivision recorded prior to the 20th day of September, 1937, or of record as a separate parcel at the time of annexation to the City.
- (b) Any other parcel of land purchased prior to the 20th day of September, 1937, by the present owner or by a person from whom the present owner acquired it through testamentary disposition or intestate succession, where no adjacent land is owned by the same person.
- (c) Any lot or parcel of land, where the deficiency in width or area is due exclusively to the taking of a portion thereof for a public purpose or the sale of a portion thereof to any agency or political subdivision of the State or Federal Government; provided, that this last stated exception shall not apply to any such lot or parcel of land having a width less than thirty (30) feet or an area less than four thousand (4,000) square feet.

Section 46.30 Lot Coverage Exceptions

In applying the regulations of this Ordinance, the features of a structure as hereinafter set forth shall not be included as coverage and may project into a required yard space to the extent specified.

- (a) Cornices, canopies, eaves or other projections which do not increase the volume of space enclosed by the building. None of these shall project into a required yard more than three (3) feet.
- (b) No fire escape shall project into a required yard more than four (4) feet, six (6) inches.
- (c) An uncovered stair and landing which does not extend above a ground floor entrance except for the railing. No such stair and landing shall project more than three (3) feet into a required yard. No such stair and landing shall extend beyond any official plan line or future width line established in accordance with the provisions of this Ordinance.

SECTION 47 TEMPORARY USES

Section 47.10 Temporary Uses

Certain temporary uses of property may be permitted in any district. The permit or license may be made contingent upon such conditions and time limitations as are reasonably necessary to secure the public welfare. The violation of any such condition shall be grounds for the revocation of the permit or license. The enforcing officer may require guarantees to assure removal of the temporary use and of any debris or refuse resultant from the use, so as to restore the premises to the prior condition.

Section 47.20 Temporary Buildings

Temporary buildings and uses incidental to the construction of a building or group of buildings on the same or adjacent premises, may be permitted in any district, where the use of such temporary buildings conforms to uses permitted in such zoning district.

Section 47.30 Sales Offices

A temporary tract or sales office may be permitted in an R district during the period of construction or sale of homes in a new subdivision, if located in a dwelling or in a temporary structure not less than twenty (20) feet from any other structure. The office shall be removed and the entire premises shall be restored to conform to the district regulations within thirty (30) days after the sales for such tract are concluded.

Section 47.40 Outdoor Sales on Public Property

Outdoor sales involving merchandise for sale displayed on any public right-of-way, public street or sidewalk, shall be restricted to four (4) per year per organized shopping area, and no such sale shall last no more than four (4) days.

Section 47.50 Other Temporary Uses

Any of the following uses may be permitted, subject to a specific time limit not to exceed thirty (30) days:

- (a) Neighborhood bazaar, exhibition, celebration or festival in any district, when sponsored by an organized group of residents or tenants in the vicinity.
- (b) Booth for charitable, welfare, civic or patriotic purposes.
- (c) Open-air sale of Christmas trees, except in residential districts.
- (d) Other temporary outdoor sales that meet all other conditions of this Ordinance, and where the Zoning Administrator determines that no safety hazards will result from the proposed use.

SECTION 48 NON-CONFORMING USES AND BUILDINGS

Section 48.10 Criteria

Any use lawfully occupying a building or land at the effective date of this Ordinance or of subsequent amendments hereto, that does not conform to the regulations for the district in which it is located shall be deemed to be a nonconforming use and may be continued, except as otherwise provided herein. Any building lawfully existing at the effective date of this Ordinance, or of subsequent amendments hereto, that is wholly or partially used, or designed for use, contrary to the regulations for the district in which it is located, shall be deemed to be a nonconforming building and may be so used or continue in such use. Any building for which a permit has been lawfully granted at the effective date of this Ordinance, or of subsequent amendments to it, must be completed in accordance with the approved plans; provided, that actual construction is started within two (2) months of the date of issuance of the permit and diligently executed until its completion. The term "actual construction" for the purposes of this Section is intended and shall be construed to mean the performance of any work or labor, the effect of which is apparent upon the building site or the placing of any material thereupon required or reasonably necessary for the construction of the building. Such building shall thereafter be deemed to be a lawfully existing non-conforming building.

Section 48.20 Variance Granted Automatically

A variance is granted automatically, hereby, so as to permit the continuation of the particular existing uses of any building, structure, improvement or premises existing in the respective zones immediately prior to the time this Ordinance or any amendment thereof becomes effective if such existing use was not in violation of this or any other Ordinance or law.

Section 48.21

As used in this Section the word "property" refers only to that portion of the property actually utilized for the existing use. The word "improvement" does not include any improvement not a part of the existing use, and such improvement which is not a part of the existing use shall be disregarded in the construction of this Section.

Section 48.22

This Section does not authorize the extension, expansion or enlargement of such existing use, or permit the addition of structures or other facilities in conjunction with such existing use.

Section 48.23

Such variance shall remain in force and effect for the following length of time, except that it may be extended or revoked as provided in this Section:

- (a) Where the property is unimproved; one (1) year.
- (b) Where the property is unimproved except for structures which do not require a building permit; three (3) years.
- (c) In other cases; twenty (20) years, and for such longer times so that the total life of the improvement from the date of construction will be:

Type II (light noncombustible frame) or type V (wood frame) buildings:

- (1) Flats, apartments and double bungalows; thirty (30) years.
- (2) Other dwellings; thirty-five (35) years.
- (3) Stores and factories; twenty-five (25) years.

Type III (ordinary masonry) or IV (heavy timber construction) buildings:

- (1) Apartments, offices, hotels, residences, stores below, apartments above; forty (40) years.
- (2) Stores below, hotel or offices above; forty (40) years.
- (3) Warehouses, stores, garages, lofts; forty (40) years.
- (4) Factories and industrial; forty (40) years.

Type I buildings (fire resistive):

- (1) Apartments and residences; fifty (50) years.
- (2) Offices and hotels; fifty (50) years.
- (3) Theaters; sixty (60) years.
- (4) Warehouses, lofts, stores, garages; fifty (50) years.
- (5) Industrial; fifty (50) years.

(References made to building types in this Section are to be interpreted so that each such building type is defined in the same manner as that same term is defined in chapter 6, article I of the Gilroy City Code, adopting a Uniform Building Code.)

Section 48.24

Nothing in this Ordinance shall be construed to prevent the restoration and resumption of former lawful use of any building that is damaged or partially destroyed by fire or other calamity, or by act of God or by the public enemy to the extent of seventy-five percent (75%) or less; provided that such restoration is permitted by chapter 6 of the Gilroy City Code, and is started within one (1) year after such damage and diligently prosecuted to completion. A nonconforming building that is completely destroyed or damaged or partially destroyed in any of the above manners to a greater extent than above specified, or voluntarily razed or required by law to be razed, shall not thereafter be restored except in full conformity with all the provisions of this Ordinance as to building and use. The amount of destruction shall be calculated by taking seventy-five percent (75%) of the full assessed value of the improvements destroyed, as such value is shown on the current equalized assessment roll of Santa Clara County.

Section 48.25

Whenever a nonconforming use of land or of a building has been changed to a conforming use, or discontinued for a continuous period of one (1) year, such use shall not thereafter be reestablished, and the use of the premises thereafter shall be in conformity with the regulations for the district. Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment.

Section 48.30 Extension

In addition to the other grounds set forth in this Ordinance, an exception which has been automatically granted under this Section may be extended if the Commission finds that the nature of the improvement is such that to require cessation of use would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.

Section 48.40 Revocation of Automatic Variance

In addition to other grounds stated in this Ordinance a variance which has been automatically granted may be revoked if the Commission finds:

- (a) That the condition of the improvements on the property, if any, are such that to require the property to be used only for those uses permitted in the zone where it is located would not impair the constitutional rights of any person.
- (b) That the nature of the improvements are such that they can be altered so as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person.

Section 48.60 Public Hearing

An automatic variance for an existing use shall be extended, modified or revoked only after a public hearing held in the manner provided for in Section 51 of this Ordinance.

SECTION 49 POWERS OF THE ZONING ADMINISTRATOR, THE PLANNING COMMISSION AND THE HISTORIC HERITAGE COMMITTEE

Section 49.10 Powers of the Zoning Administrator

The Zoning Administrator shall have the power to decide any question involving the interpretation of any provision of this Ordinance and this decision shall be final unless an appeal is taken to the Planning Commission, as provided in Section 51, and overruled by a majority vote of the Planning Commission.

Section 49.11 Duties

The duties of the Zoning Administrator shall be undertaken by the Planning Director of the City of Gilroy.

Section 49.20 Powers of the Planning Commission

The Planning Commission shall have the power to decide any question involving the interpretation of any provision of this Ordinance which is forwarded by the Zoning Administrator. Its decision shall be final unless an appeal is taken to the City Council, as provided in Section 51, and overruled by a majority vote of the City Council.

Section 49.21 Interpretation of Uses

Whenever the Planning Director is in doubt as to the classification of a use not specifically mentioned in this Ordinance, the determination shall be made by the Planning Commission. The referral shall include a detailed description of the proposed use and such other information as may be required.

Section 49.22 Other Policies, Rules and Regulations

The Planning Commission shall have authority to establish from time to time such policies, rules and regulations not in conflict with other laws as it may deem necessary to assure the proper administration and enforcement of this Ordinance.

Section 49.30 Powers of the Historic Heritage Committee

The purpose and intent of the Historic Heritage Committee is to act as an advisory board to the City Council and Planning Commission on issues relating to the identification, protection, retention and preservation of historic sites and historic neighborhoods in the City of Gilroy.

Section 49.31 Committee Membership

The Historic Heritage Committee shall consist of five (5) members, each appointed by the Mayor with the approval of the City Council. Terms shall be for two (2) years, and shall be staggered. Members may serve up to a maximum of three (3) consecutive terms. The members shall consist of:

- (a) One member of the Planning Commission.
- (b) One member of the City Council.
- (c) One citizen member with training or experience in structural rehabilitation.
- (d) Two (2) citizen members knowledgeable in local history or architecture.

The Committee shall ask officials, staff and other individuals to sit with the Committee in an advisory capacity when needed.

Section 49.32 Committee Powers

The Historic Heritage Committee shall have the following powers and duties:

- (a) To review and investigate any building, structure or other physical object in the city which is under consideration as a Historic Site or Neighborhood Combining District.
- (b) To recommend to the Planning Commission and Council any building, structure or other physical object or group of buildings, structures or other physical objects which it has determined from review and investigation should be designated as a Historic Site or Neighborhood Combining District. The recommendation shall contain a brief written description of the building, structure or other physical object, and the reasons for the recommendation, drawn from specific criteria.
- (c) To maintain and update a local register of historic neighborhoods and historic sites within the city.
- (d) To review and investigate requests for demolition permits for any building, structure or other physical object in the city which is not listed on the local register of historic sites but is more than fifty (50) years old.
- (e) To review all applications for permits, environmental assessments, environmental impact reports and other similar documents pertaining to historic sites and historic neighborhoods.
- (f) To make recommendations to the City's Street Naming Committee regarding possible new street names from Gilroy's cultural and historical past.
- (g) To institute and support such programs and projects as will help make the citizens of the City and its visitors aware of its origin, development and historic significance.
- (h) To perform such other duties relating to the city history and historic sites and neighborhoods as the City Council requires.

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SECTION 50 PLANNING DEPARTMENT APPLICATIONS

Section 50.10 Designation

The Planning Department shall be responsible for creating, distributing, accepting, processing and filing applications for the following:

- (a) Variances.
- (b) Conditional Use Permits.
- (c) Architectural and Site Approval.
- (d) Planned Unit Development Approval.
- (e) Residential Development Approval.
- (f) Zoning Ordinance and or Zoning Map amendments (See Section 52).

Section 50.20 Variances

Section 50.21 Major Variances

The Planning Commission shall receive, investigate, hear and take action upon every application for a major variance from the strict application of any of the provisions of this Ordinance. It shall approve only such variances as are in harmony with the general purpose and intent of the Zoning Ordinance and in accordance with the specific regulations hereinafter set forth.

- (a) A major variance shall be approved only when the strict and literal interpretation of the regulations in the particular case would involve practical difficulties or unnecessary hardship, and only to the extent necessary to overcome such difficulties or unnecessary hardship.
- (b) The Commission shall hold a public hearing on each application for a major variance as provided in Section 51.
- (c) A major variance, in whole or in part, or subject to conditions may be approved by the Commission, if from the information presented in the application or at the hearing it appears, and the Commission finds all of the following:
 - (1) That there are exceptional or extraordinary circumstances applying to the property involved or to the proposed use.
 - (2) That because of such exceptional or extraordinary circumstances, the literal enforcement of specified provisions of this Ordinance would result in practical difficulty or unnecessary hardship such as to deprive the applicant of a substantial property right possessed by other owners of property in the same class or district.
 - (3) That the allowance of the variance will not, under the circumstances of the particular case, be materially detrimental to the public welfare or materially injurious to persons or property in the vicinity.
 - (4) That the results of allowing the variances as specified will be in harmony with the general intent of the Zoning Ordinance.
 - (5) That the granting of a variance will not constitute the granting of a special privilege greater than that provided for by the standard provisions of this Ordinance for other properties in the vicinity and in the same zoning district.

- (d) In approving a major variance, the Commission shall specify the character and extent thereof. A variance may be made conditional and it may be made valid for a specified time period. One of such conditions may be the requirement of suitable guarantees to secure compliance and to protect the public health, safety, convenience and general welfare. Once any portion of a variance is utilized all such conditions and specifications shall be immediately operative, and the violation of any of them shall constitute a violation of the Ordinance.

Section 50.22 Minor Deviations

Where an application is being made for a building permit for the construction or installation of a building or structure which is prohibited unless there first be obtained a variance in the setback, yard, parking or building site area requirements applicable to such building or structure, the applicant for such building permit may file with the Zoning Administrator an application for such variance. The application for the variance shall be made on a form supplied by the Zoning Administrator and shall be set forth or be accompanied by such information and evidence as the Zoning Administrator shall require, including the evidence required by Section 50.21 of this Ordinance, and may include or be accompanied by a written consent to the granting of the variance signed by the owner or owners of each lot or parcel adjoining the site of the proposed building or structure and the owner or owners of land across any street from such site. At the time of filing such application for a minor deviation from this Ordinance, the applicant shall pay any fee which may be established from time to time by resolution of the City Council.

Upon receipt of an application for a variance filed pursuant to this Section, and after determining that the requirements of Section 50.21 of the Ordinance have been met and that the size, shape, topography, or location of said site, or the location of existing buildings, or other conditions cause compliance with the applicable setback, yard or building site area requirements impossible without practical difficulty or hardship, the Zoning Administrator may without notice or hearing, approve the application for the building permit and such approval shall constitute the granting of a variance with respect to the building or structure for which the application for building permit is made; provided however, the Zoning Administrator shall not give any such approval which constitutes the granting of a reduction in excess of twenty-five percent (25%) of the applicable setback, yard or building site area requirements or up to four (4) stalls of the parking requirements. The Zoning Administrator shall give notice of all such approvals of minor deviations to the Planning Commission.

In the event the Zoning Administrator declines to grant a variance requested pursuant to this Section, the applicant may file with the Planning Commission an application, with full fees, for a standard variance pursuant to the provisions of Section 50.21 of this Ordinance.

Section 50.30 Conditional Use Permits

Section 50.31 Issuance

The term conditional use shall include every use or occupancy of a structure, or a use of land, listed in this Ordinance as permitted upon issuance of a use permit and not otherwise. No use permit for a use in any district which is listed in the

district regulations as a conditional use for that class of district shall be authorized except in accordance with the following regulations. Every such use is declared to possess characteristics such as to require, in pursuance of the general intent of this Ordinance, special review and appraisal in each instance.

Section 50.32 Application

The Planning Commission shall receive, investigate, hear and decide upon every application for a conditional use and after the hearing shall approve the issuance of a use permit therefor only if the evidence presented at the hearing is such as to establish:

- (a) That the proposed use is properly located in relation to the General Plan and to the community as a whole and to other land uses and to transportation and service facilities in the vicinity.
- (b) That the proposed use, if it complies with all conditions, upon which approval is made contingent, will not adversely affect other property in the vicinity, or cause any damage, hazard or nuisance to persons or property.

Section 50.33 Planning Commission Conditions

The Commission may provide that issuance of the use permit shall be contingent upon acceptance and observance of specified conditions, including but not limited to the following matters:

- (a) Conformity to plans and drawings submitted with the application.
- (b) Special yards, open spaces, buffer strips, walls, fences, concealing hedges, landscaping.
- (c) Performance characteristics, related to the emission of noise, vibration and other potentially dangerous or objectionable elements.
- (d) Limits on time of day for the conduct of specified activities.
- (e) Guarantees as to compliance with the terms of the approval.

Section 50.34 Reapplication

The Commission may receive applications, subject to the same regulations and procedures as those which apply to new conditional uses, to modify or waive any condition imposed by it in authorizing the issuance of a use permit, or set forth in a prior use permit continued in effect by the provisions of paragraph 50.35 of this Section. After the hearing, it may modify or waive any such conditions, if it finds that such change or waiver is necessary for the preservation of a substantial property right of the applicant or to avoid practical difficulties or unnecessary hardship, and would be consistent with the intent of this Ordinance.

Section 50.35 Expiration

Wherever a use for which approval of a use permit by the Planning Commission, or by the Council on appeal, is required, or a use classified and listed herein as a conditional use in the district, lawfully exists at the effective date of this Ordinance, then such use, as long as it remains the same, shall be deemed to be an authorized and lawfully permitted use without further action. Whenever any such use, or any use hereafter authorized as a conditional use, is discontinued for one (1) year, such use shall not be re-established unless it is authorized under new proceedings.

Section 50.36 Additional Uses Permitted

The Commission may, after a public hearing, permit the following uses in districts from which they are prohibited by this Ordinance where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive General Plan. A notice of such public hearing shall be given in accordance with the provisions of Section 51 of this Ordinance:

- (a) Airport or aircraft landing field.
- (b) Cemetery.
- (c) Columbarium, crematory or mausoleum.
- (d) Day nursery.
- (e) Development of natural resources together with the necessary buildings, apparatus or appurtenances incident thereto.
- (f) Educational institution operated by a nonprofit or governmental entity.
- (g) Government enterprises (Federal, State and local).
- (h) Hospital.
- (i) Library or museum operated by a nonprofit or governmental entity.
- (j) Park, playground or recreational community center.
- (k) Private club, fraternity house, sorority house, union hall (but not including a hiring hall), senior citizen center.
- (l) Radio or television transmitter, scientific or educational research center, public utility facility.

Section 50.40 Architectural and Site Approval

The intent of architectural and site approval is to maintain the character and integrity of the neighborhood by promoting excellence of development, preventing undue traffic hazards or congestion, and encouraging the most appropriate development and use of land in harmony with the neighborhood and in accordance with the General Plan.

Section 50.41 Review

The Planning Director shall review and decide applications for architectural and site approval, and shall be bound by any uniform standards adopted by City Council or Planning Commission relating to the intent, scope or review, of requirements of architectural and site approval. The Planning Director shall review and may issue architectural and site approval for the following uses:

- (a) Construction or major remodeling of structures in an industrial, commercial, professional office, public facilities or open space zone. (Major remodeling includes any structurally separate building additions or alterations within any twelve (12) month period exceeding fifty percent (50%) of the value of the existing building; value to be determined by the City Building Department).
- (b) Residential developments having two (2) or more total units on a parcel.
- (c) Relocated or moved buildings.
- (d) Changes in Historic Site or Neighborhood Combining Districts which the Planning Director determines are not significant, and thereby do not require further review. The Historic Heritage Committee shall review and make recommendations to the Planning Commission on applications for architectural and site approval which involve significant changes, and shall be bound by any uniform standards adopted by City Council or Planning Commission relating to the intent, scope or review, of requirements of architectural and site approval. The Planning Commission shall review and may issue architectural and site approval for the following uses:
 - (1) Remodeling or construction in a Historic Neighborhood Combining District, as defined in Section 27.41, involving significant changes, as determined by the Planning Director.
 - (2) Remodeling or construction in a Historic Site Combining District, as defined in Section 27.42, involving significant changes, as determined by the Planning Director.

Any other remodelings, except as indicated above, shall be exempt from architectural and site approval. A building permit shall not be issued until architectural and site approval is obtained from the Planning Director or the Planning Commission, if appealed.

Section 50.42 Filing of Application

Applications for architectural and site approval shall be filed with the Planning Department. The department shall prescribe the form and content of the application. A site development plan and architectural design drawings shall accompany the application. If development is to be carried out in stages, each stage shall be shown on a master plan of development.

Section 50.43 Fees

For the purpose of partially defraying the expense involved in connection with an application, a filing fee as established from time to time by resolution of the City Council shall be required. No fee shall be required if an architectural and site approval report is required as a condition of issuance of a use permit or a variance.

Section 50.44 Scope of Review

The Planning Director shall review the application to insure that the development addresses and adequately meets requirements for the following:

amend. 1-85

- (a) Traffic safety and efficiency.
 - (1) Traffic volume and conditions on abutting or access streets.
 - (2) Street improvements, including lighting.
 - (3) Circulation patterns within the development, including the locations and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.
 - (4) Adequacy of off-street parking.
 - (5) Surfacing, lighting and landscaping of off-street parking facilities.
 - (6) Location, quantity, height of materials, and shape of landscaped areas.
 - (7) Adequacy, location, arrangement and dimensions of truck loading and unloading facilities.
- (b) Outdoor advertising and signs:
 - (1) Potential traffic hazards.
 - (2) Appearance.
 - (3) Harmony with adjacent development.
 - (4) Favorable image of the City.
 - (5) Number, area, bulk, shape, height, location, separation, clearance, projection, illumination, color and landscaping of such signs.
- (c) Site development:
 - (1) Physical characteristics of the site.
 - (2) Existing and proposed easements.
 - (3) Appearance and harmony of buildings with adjacent development, the character of the neighborhood, and existing and projected public improvements.
 - (4) Location, appearance and orientation of structures, open spaces and activities.
 - (5) Determination of boundaries, building setbacks and uses intended.
- (d) Landscaping:
 - (1) Harmony with adjacent development.
 - (2) Concealment of storage areas, utility installations, or other unsightly development.
 - (3) Quantity, location, height and materials of walls and fences, hedges, screen planting and landscaped areas.
 - (4) Planting of ground cover or other surfacing to prevent erosion and reduce dust.
 - (5) Unnecessary destruction of healthy trees.
 - (6) Facilities and methods of insuring continued maintenance of landscaping.
- (e) Drainage and flood control and health standards:
 - (1) Effect on flood control and storm and surface water drainage facilities.
 - (2) Additional flood control and drainage improvements required.
 - (3) Minimum health standards.
- (f) Fire protection:
 - (1) Additional fire protection improvements required.
 - (2) Location, number and type of such improvements.
 - (3) Adequacy of the water supply for fire protection purposes.
- (g) Environmental impacts:
 - (1) Impact on the air, water and soil conditions.
 - (2) Impact on animal and plant life.

The Planning Director may request any information including maps, impact reports, design criteria, deemed necessary to evaluate the application.

Section 50.45 Conditions

The granting of architectural and site approval may include such conditions as the Planning Director deems reasonable and necessary under the circumstances to carry out the requirements of the zoning district and the intent of architectural and site approval, and to insure that the development will meet the requirements enumerated in Section 50.44. The following conditions shall be standard on all architectural and site approvals:

1. Landscaping: Landscaping plans including specifications for an irrigation system shall be approved by the Planning Director in accordance with the adopted Landscaping Policy, prior to issuance of a building permit. The landscaping shall be continuously maintained in an orderly, live, healthy, and relatively weed-free condition, in accordance with the adopted Landscaping Policy and the approved specific landscape plan.
2. Trash Enclosures: All trash enclosures shall consist of visually solid fences and gates, six (6) feet in height, in accordance with the adopted City of Gilroy standard trash enclosure design plan, or a similar design approved by the Planning Director. All trash enclosures shall be located in accordance with the approved site plan and fire regulations.
3. Exterior Lighting: No unobstructed beam of exterior lighting shall be directed outward from the site toward any residential use or public right-of-way.
4. Mechanical Appurtenances: Mechanical equipment to be located on the roof of a building shall be screened by an architectural feature of the building such that it cannot be seen from ground level at the far side of the adjacent public right-of-way, whenever possible.

Other conditions may include, but are not limited to, conditions regarding site planning, architecture, engineering, landscaping, street dedication, flood control and drainage, street drainage and flood control improvements, building setbacks, off-street parking, off-street loading, outdoor advertising, street lighting, survey of property, fire protection, excavation, grading, sewage disposal, water supply, geological engineering, and environmental concerns.

Such conditions may also include the execution of a land development agreement with the City to fulfill the conditions of architectural and site approval within a specified period of time. Said agreement may be secured by a good and sufficient improvement security. A liability insurance policy in amounts and form may be required.

Section 50.46 Inspection Prior to Use and Occupancy

The conditions of an architectural and site approval may prohibit a building, structure or land use to be occupied until an inspection has been made and it is found that the building, structure or land use complies with all the conditions required to be completed prior to occupancy. If a building permit is issued for a building or structure which is subject to an architectural and site approval, the Building Inspector shall not approve a final inspection of such building or structure until the Planning Director or an authorized representative has inspected the building or structure and approved the use and occupancy.

Section 50.47 Notification of Approval

Upon the grant of an architectural and site approval, the Planning Department shall prepare and deliver a letter of approval with any conditions attached thereto to the applicant. The Planning Director shall report to the Planning Commission of all approvals and disapprovals.

Section 50.48 Terms of Approval

(a) Time Limits

If any development for which architectural and site approval has been granted is not established within one (1) year from the date of notification of approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the Planning Director.

(b) Transfer

Architectural and site approval shall be deemed revoked if the use for which the approval is granted is changed unless, upon application to the Planning Director, the approval is transferred. The Planning Director shall transfer the approval to the new use if the previous approval meets the requirements of this Section for the changed use. If the Planning Director does not reissue the approval, a new application must be filed.

(c) Conformance to Approval

Development for which architectural and site approval has been granted shall conform to the approval and any conditions attached thereto.

(d) Modification

Upon request of the applicant, modification of the approved plan, which meet the requirements of this Section, may be made by the Planning Director.

(e) Appeal

The applicant, if not satisfied with the terms and conditions of approval or a denial from the Planning Director, may appeal such decision, in writing, to the Planning Commission, within fifteen (15) days of the Planning Director's determination.

Section 50.50 Planned Unit Development Approval

Section 50.51 Development Approval Required

If a parcel is located in a planned unit development (PUD) combining district as provided in Section 26, a building permit shall not be issued for any development, or part thereof, until the Planning Commission and City Council have approved such development as herein provided. A planned unit development shall be defined as:

- (a) Land which is planned and developed as a whole.
- (b) A single development operation or a definitely programmed series of development operations, including all lands and buildings.
- (c) Including principal and accessory structures and uses substantially related to the character of the surrounding district.
- (d) A program of comprehensive and detailed plans which will include all site and architectural design plans.
- (e) A program that should include the operation and maintenance of such areas and facilities that will be for common use and benefit by some or all of the occupants of the development, but in most cases not to be provided, operated or maintained at the general expense of the City of Gilroy.

Section 50.52 Application Procedures

Any applications for approval of planned unit development design shall be on a form prescribed for this purpose by the City of Gilroy, and shall be accompanied by a development plan showing the use or uses, dimensions and locations of proposed structures, vehicular and pedestrian circulation, parking, public uses, and landscaping and open space. Additional architectural drawings and sketches illustrating the character of the proposed design shall also be included. In addition, a geological soil investigation and report shall be required as described in Section 24.61, if the proposed development is in an RH district. Such other pertinent information shall be included as may be required by the Commission.

Section 50.53 Application Fees

Any application for planned unit development approval shall be accompanied by a fee to be established from time to time by resolution of the City Council.

Section 50.54 Public Hearings and Development Approval

The Planning Commission shall review each planned unit development (PUD) application upon receipt of the design review report from the Planning Director. The Commission may deny the application, or recommend to the City Council that approval be granted as submitted, or granted subject to various conditions. Within thirty (30) days of the receipt of the recommendation for approval from the Planning Commission, or appeal of a denial by the Planning Commission, the City Council shall review the application. The City Council shall consider the report of the Planning Commission but shall not be bound thereby. Upon the close of the hearing, the City Council may deny, grant approval as submitted, or grant approval subject to such conditions as it deems necessary (in addition to or other than, those recommended by the Planning Commission). Any planned unit development, as authorized, shall be subject to all conditions of approval, and shall be excepted from regulations of the base zone designation only to the extent specified in the approved plans.

Section 50.55 Necessary Findings

In order to grant planned unit development (PUD) approval, the Council must make the following findings, that the proposed planned unit development shall:

- (a) Conform to the Gilroy General Plan in terms of general location and standards of development.
- (b) Provide the type of development which will fill a specific need of the surrounding area.
- (c) Not require urban services beyond those which are currently available.
- (d) Provide a harmonious, integrated plan which justifies exceptions, if such are required, to the normal requirements of this Ordinance.
- (e) Reflect an economical and efficient pattern of land uses.
- (f) Include greater provisions for landscaping and open space than would generally be required.
- (g) Utilize aesthetic design principles to create attractive buildings and open areas which blend with the character of surrounding areas.
- (h) Not create traffic congestion, noise, odor, or other adverse effects on surrounding areas.
- (i) Provide adequate access, parking, landscaping, trash areas and storage, as necessary.

Section 50.56 Building Permit

Following the approval of a planned unit development (PUD), the Chief Building Inspector shall issue a building permit and shall insure the development is undertaken and completed in conformance with the approved plans. The approval for a planned unit development shall be valid for one (1) year. An extension for an additional year may be requested from the City Council.

Section 50.57 Violations and Revocation of Approval

Planned unit development (PUD) approval may be revoked in any case where any of the conditions of approval have not been complied with. In such cases, the Chief Building Inspector shall require all work to cease. Within thirty (30) days after said order to cease work, the Planning Director shall forward a copy of the findings of such violation to the Planning Commission for hearing. The applicant shall also be sent notice at least ten (10) days prior to the date of such hearing. If the Planning Commission finds that a violation has occurred, the Planning Commission shall require abatement or removal of the violation. The services of any qualified experts, employed by the City to advise in establishing a violation, and all costs of abatement or removal including reasonable attorney fees, shall be paid by the violator if said violation is established. If the violation is not established, the City shall pay said costs.

Section 50.58 Revisions

After final building permits are issued, proposed modifications to the approved planned unit development (PUD) shall be referred to the Planning Director, who may approve the proposed modifications only if they are in substantial conformance with the conditions of approval and conform to the requirements of the underlying zoning district. If found to be significantly out of conformance, no revisions of the original terms of approval shall occur unless the applicant reapplies for approval of the modified planned unit development to the Planning Commission and such approval is granted by the City Council.

Section 50.60 Residential Development

Section 50.61 Statement of Intent

- (a) Encourage a rate of growth which will not exceed the City's ability to provide adequate and efficient public services (including sewer, water, police, fire, streets, parks, general administration, etc.) or the ability of the local economy to support such growth.
- (b) Maintain and improve the quality of the environment considering the City's natural setting, including hillsides, water courses, viable agricultural/open lands, recreational, historic and scenic areas.
- (c) Provide and maintain a balanced community with adequate housing to meet the needs of local employment and residents.
- (d) Provide and maintain an appropriate share of the regional need for housing.
- (e) Provide and maintain housing programs and activities to enable the City to meet the needs of all economic segments of the community.
- (f) Provide and maintain a sound economic base for the City.

Section 50.62 Application

- (a) The provisions of this Ordinance shall apply to all residential development proposed to be constructed within the City of Gilroy, except for those residential developments specifically listed as exempt in Paragraph (b) following.
- (b) The following types of residential projects are exempted from the provisions of this Section. Such projects, however, shall be processed in accordance with this and all other applicable ordinances and regulations. A project may not qualify for more than one of the following exemptions:
 - (1) Projects containing four (4) or fewer dwelling units, four (4) or fewer single family residential lots, or subdivisions of land into four (4) or fewer parcels are exempt. An applicant who, within any three (3) year period, groups contiguous parcels which would result in development of a series of projects having more than four (4) total parcels shall not be exempt from the requirements of this Ordinance.
 - (2) Replacement dwellings of substandard dwelling units are exempt. The number of exempted new dwelling units shall not exceed by more than four (4) dwelling units, the number of dwelling units removed for such replacement on any parcel. Relocation of dwelling units existing within Gilroy to another site shall be exempt.
 - (3) A residential development project sponsored and funded by government agencies is exempt if the project is approved by a referendum vote, or the project consists of twenty (20) units or less and the project is specifically approved for exemption by the City Council.

Section 50.63 Annual Numerical Limits

(a) Criteria for Setting Numerical Limits

Once each year, the City Council shall, after considering economic, public service, environmental, housing, and other studies relevant to the residential development program, determine the maximum number of dwelling units which may be issued building permits, consistent with the purpose and intent of this Ordinance as set forth in Section 50.61. In setting the Numerical Limits, the City Council shall also consider the number of units previously issued permits under assigned build-out schedules and units previously permitted as exceptions to this Ordinance. The numerical limit established by the City Council shall provide for an adequate number of dwelling units to meet or exceed the City's regional need for housing as established by State of California requirements. Said Numerical Limits shall be set in accordance with the procedures of Paragraph (b), following. The Numerical Limits shall be expressed as the total number of dwelling units, for projects not exempted by Section 50.62(b), which may be permitted in a specified calendar year.

(b) Procedure for Setting Numerical Limits:

- (1) At the first regular meeting of the City Council in April of each year, the City Council shall adopt a resolution setting the Numerical Limits for each of the three (3) subsequent calendar years. Consideration and adoption of the Numerical Limits shall be done at a duly-noticed public hearing. If necessary, due to lack of time, the City Council may continue the public hearing to the subsequent meeting. Said resolution shall set forth the findings supporting the determination of the Numerical Limits.
- (2) The Numerical Limits adopted each year shall cover the succeeding three (3) years. At each subsequent yearly setting of Numerical Limits, the following two (2) year limits may be adjusted and set, and a new third year limit shall be established.
- (3) At any time during the year, the City Council may adopt a resolution permitting a special exception to the assigned build-out schedule or to the Numerical Limit for that calendar year only. Such a special exception to the build-out schedule or the Numerical Limit for any calendar year shall be approved only when the City Council finds and determines that a major industry has a firm commitment to locate within the City of Gilroy and, that this major industry would not, however, be able to locate in Gilroy because the current Numerical Limit on residential dwellings would be clearly insufficient for its employees' housing needs. Prior to approving such a special exception to the build-out schedule or the Numerical Limit, the Council must set forth findings and determine that the special exception will not adversely affect the City's ability to provide services.

Section 50.64 Residential Development Application Procedures

- (a) All applications for Residential Development Review shall be submitted to the City of Gilroy, Department of Planning from the first day of May through the first day of July each year. The Department of Planning shall accept only those applications for residential development of land within the Gilroy City Limits, Gilroy Urban Service Area, or land immediately contiguous to the Urban Service Area.
- (b) Each request for Residential Development Review shall contain all information and fees requested on the Residential Development application forms. All applicants will be notified as to the completeness of their applications and whether or not additional information is required.
- (c) Application fees for Residential Development Review shall be established from time to time by resolution of the City Council.
- (d) Applicants may withdraw their application for Residential Development Review at any time during the process. If an application is withdrawn within ten (10) days after the filing deadline, all fees submitted with such application, except those collected for environmental assessment, will be refunded to the applicant.
- (e) Tentative Maps for residential subdivisions and residential Planned Unit Development (PUD) applications shall not be accepted by the Department of Planning until after the Residential Development application has been rated by both the Planning Commission and City Council under the competitive evaluation in accordance with the project rating scale and procedures set forth in Sections 50.65 and 50.66 following, and assigned a build-out schedule.

Section 50.65 Project Rating Scale

The competitive evaluation of proposed residential development projects shall be based upon point scores assigned in accordance with the Project Rating Scale which shall be adopted from time to time by resolution of the City Council.

Section 50.66 Competitive Evaluation and Ranking Procedures

- (a) At a legally noticed public hearing, the Planning Commission shall review and assign a point score to each properly submitted Residential Development Project in accordance with the Project Rating Scale.
- (b) The Planning Commission shall also competitively evaluate each Residential Development Project and establish a ranking for each Residential Project based upon its assigned point score. A build-out schedule shall be recommended only for those projects which the Planning Commission determines can be permitted within the Numerical Limit.
- (c) The Planning Commission shall also take action recommending denial of all applications submitted for any residential development project which will not receive a build-out schedule within the Numerical Limit established by the City Council. The Planning Commission may also recommend denial of any application which they determine to be inappropriate, regardless of whether or not the Numerical Limit is fully allocated.

- (d) The City Council shall review the point scores, rankings, and recommended build-out schedules established by the Planning Commission and may affirm or modify the determination of the Planning Commission. The City Council shall, at the same meeting, hear any appeals from the decision of the Planning Commission.
- (e) The maximum Numerical Limit for any year need not be fully allocated.
- (f) Build-out schedules shall not be assigned for more than three (3) years, nor shall any individual project be assigned more than twenty-five percent (25%) of the Numerical Limit for each year of the build-out schedule.
- (g) The Planning Director shall review, prior to issuance of a building permit, each residential development proposal for conformance with the approved plans, and may require such other conditions as authorized by Section 50.40. Any significant modifications from the approved plans for development project shall obtain City Council approval prior to issuance of a building permit. In approving modifications to a project the City Council must find that the proposed modification to any such project constitutes a substantial improvement over the approved plans for which a build-out schedule had been assigned.

Section 50.67 Expiration

- (a) Those projects which receive a build-out assignment from the City Council, and which require submittal of a tentative map or parcel map (residential tracts and condominiums), shall submit a complete map application prior to February 28th of the first year for which build-out has been assigned. Tentative maps will not be approved for more lots (dwelling units) than the total of the three year build-out assignment for each project. An approved tentative map shall be valid for two (2) years. Time extensions for a residential tentative map may be granted only if the tentative map is proposed as a phased map and the maximum number of lots allowed to be finalled in each phase is equal to, or less than, the build-out as assigned by the City Council for the build-out year of such phase.
- (b) Those projects which receive a build-out assignment from the City Council, and which do not require submittal of a tentative map or parcel map, shall be required to submit a complete architectural and site approval application (in accordance with the procedures of Section 50.40 of this Ordinance) prior to February 28th of the year for which build-out has been assigned. The Architecture and Site review approval is valid for one year and may be extended a maximum of one additional year prior to obtaining a building permit.
- (c) All residential projects with a build-out assignment shall submit, with the tentative map as required in paragraph (a) above or the architectural and site approval application as required in paragraph (b) above, a non-refundable deposit, the amount of which shall be established from time to time by resolution of the City Council. This deposit shall be fully credited to subsequent development fees and/or building permit fees. The build-out assignments for the first year and all subsequent years for any project which fails to meet the February 28 submittal deadline as required in paragraphs (a) and (b) above shall become immediately null and void.

SECTION 51 APPLICATION REVIEW PROCEDURES

Section 51.10 Applications

Section 51.11 Application Procedure

Conditional use permits and variances may be initiated by:

- (a) The verified application of all owners of the subject property or by a purchaser or lessee of the property, and the application shall set forth fully the grounds for and the facts to justify the request.
- (b) Motion of the Planning Commission or City Council.

Section 51.12 Application Forms

The Planning Director shall prescribe the form on which all applications are made. He shall prepare and provide forms for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements.

Section 51.13 Signatures

If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the City of Gilroy as represented by the Planning Commission and City Council.

Section 51.14 Permanent Record

All applications filed pursuant to this Ordinance shall be numbered consecutively in the order of their filing, and shall become a part of the permanent records of the Department of Planning, and there shall be attached thereto and permanently filed therewith copies of all notices and actions with certificates and affidavits of posting, mailing or publications pertaining thereto.

Section 51.15 Abandonment of Projects

Applications for permits or approvals, pursuant to this Zoning Ordinance, shall be deemed to have been abandoned when information and/or fees necessary for the completion of the application have been requested in writing and not received by the Planning Department within ninety (90) days of notification. The applicant may request (within the ninety (90) day time period) an extension of up to one hundred eighty (180) days, or longer as may be approved by the Planning Director only for extenuating circumstances. No further action shall be taken on an application and no fees will be refunded once abandoned.

Section 51.20 Filing Fees

The filing fees for applications under this Zoning Ordinance shall be paid upon the filing of any application in the amounts as may be specified from time to time by City Council resolution. The Planning Director may waive fee requirements for legitimate, community-based, non-profit organizations.

Section 51.30 Public Hearing

Section 51.31 Setting of Hearing

All applications described in Section 51.11 shall be set by the Planning Director for public hearing when such hearings are to be held before the Planning Commission, and by the Clerk of the City Council for hearings to be held before the City Council. The date of the hearings shall not be less than ten (10) days from the time of filing of the application, or the adoption of a resolution of intention, or a minute order.

Section 51.32 Notices

Notices of time and place of public hearing shall be given in the following manner:

- (a) Notice of any public hearing shall be given by at least one (1) publication in a newspaper of general circulation in the City of Gilroy not less than ten (10) days before the date of said public hearing; and,
- (b) A written notice (except for amending, supplementing or changing the text of the Zoning Ordinance) shall be mailed not less than ten (10) days prior to the date of such hearing to the owners of the property within a radius of three hundred (300) feet of the exterior boundaries of the property to be changed, using for this purpose the last known name and address of such owners as are shown in the County Assessor's books on file in the County Assessor's office of the County of Santa Clara, State of California; or,
- (c) The Planning Commission may in special circumstances by minute order cause notices to be conspicuously posted upon the property to be changed, at least ten (10) days prior to date of hearing. Such notice shall be printed with a heading reading "Notice of hearing _____" in letters not less than one (1) inch in height.

Section 51.33 Required Wording of Notices

Public notice of hearings on any application shall consist of the words "Notice of hearing _____", setting forth the type of application, the description of the property under consideration, the nature of proposed change or use, and the time and place at which the public hearing or hearings on the matter will be held.

Section 51.34 Permanent Files Shall Include Summary of Testimony

A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this Ordinance, and the names of persons testifying at the Planning Commission or City Council hearings, shall be made a part of the permanent case files.

Section 51.40 Planning Commission Decision and Findings

Section 51.41 Action

The Planning Commission, following the termination of the public hearing, shall:

- (a) Not later than its following meeting date, unless this time limit is extended by agreement of the parties having an interest in the proceedings, announce its decision to approve or disapprove the application by resolution which shall clearly state the facts and reasons for the decision rendered and any conditions or limitations imposed.

- (b) Within fifteen (15) days after adoption of said resolution, whether the application is approved or disapproved, notify the applicant by forwarding through the mails a copy of the resolution to the address on the application, and to any other person who has filed a written request for such notification.

Section 51.42 Effective Date

The order of the Planning Commission in approving or disapproving a conditional use permit, or variance shall become final and effective twenty (20) days after the rendering of its decision, unless within such twenty (20) day period an appeal in writing is filed.

Section 51.50 Appeal Procedure

Anyone so desiring may appeal the decision of the Planning Commission to the City Council by written request to the City Clerk within twenty (20) days, after adoption of the resolution by the Planning Commission. The City Council within the same twenty (20) days, may also in either a regular or special meeting initiate such appeal by motion. Upon being notified of such appeal by the Clerk of the City Council, the Planning Director shall immediately transmit to the City Clerk the complete case file.

Section 51.60 City Council Public Hearing

Consideration of an appeal of the Planning Commission decision on a conditional use permit, or variance shall be by public hearing. Notices shall be mailed pursuant to the provisions of Section 50.32(b) of this Ordinance, and the hearing shall be held within thirty (30) days of the filing or initiation of such appeal. The City Council may, because of a desire for additional information, or due to the submission of significant new material or evidence when considering an appeal, refer the matter back to the Planning Commission for further study and report.

Section 51.70 City Council Decision and Findings

The City Council, following the termination of the public hearing, shall:

- (a) Within thirty (30) days, announce its decision to approve, modify or disapprove the application by resolution which shall clearly state the facts and reasons for the decision rendered and any condition or limitations imposed.
- (b) Within fifteen (15) days after the City Council adopts the resolution stating whether the application is approved or disapproved, notify the applicant by forwarding through the mails a copy of the resolution to the address on the application, and to any other person who has filed a written request for such notification.
- (c) Attach a copy of the resolution to the case file and return the complete file to the Planning Department.

Action by the City Council on an appeal for a site development plan, a conditional use permit or variance shall be final.

Section 51.80 Revocation

The Planning Commission may, after having given notice to the complainant and permittee and after hearing, revoke or modify any permit or variance for which an approval was granted was exercised so as to be detrimental to the public health and safety or so as to constitute a nuisance. Any approval granted by the Planning Commission or the City Council shall be immediately null and void if any of the following exists:

- (a) The approval was obtained by fraud or incorrect information.
- (b) The use for which such approval was granted is not being exercised.
- (c) The use for which such approval was granted has ceased to exist or has been suspended for one (1) year or more.
- (d) The plan, permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.

Section 51.90 Expiration

Any development plan, conditional use permit, or variance granted by the Planning Commission or City Council becomes null and void if not exercised within the time specified in the permit or variance, or if no date is specified, within one (1) year from the date of approval of said permit, plan or variance; provided, however, that all conditional use permits and variances granted prior to the effective date of this Ordinance by the City Council or Planning Commission of the City of Gilroy that are being legally exercised at the time of the effective date of this Ordinance shall continue in full force and effect in the manner approved, unless the conditional use permit or variance is violated, ceases to exist, or is suspended for one (1) year or more.

SECTION 52 AMENDMENT OF THE ZONING ORDINANCE

Section 52.10 Amendments

Boundaries of the zones established by this Ordinance, the classifications of property uses therein or other provisions of this Ordinance may be amended whenever public necessity, convenience and general welfare require.

Section 52.20 Initiation

Amendments to this Zoning Ordinance or the Zoning Map may be initiated by:

- (a) The verified application of one (1) or more owners of property proposed to be rezoned to be filed with the Planning Commission.
- (b) Motion of the City Council or the Planning Commission.

Section 52.30 Public Hearing

After filing of a verified application for a zone change, or after the action of the Planning Commission or the City Council to consider a Zoning Map or Ordinance amendment, the Planning Commission shall hold at least one (1) public hearing on it.

Notice of time and place of public hearing by the Planning Commission shall be given pursuant to the provisions of Section 51 of this Ordinance.

Section 52.40 Commission Findings

The Planning Commission shall announce its findings by formal resolution not later than the meeting following the closing of the public hearing unless this time limit is extended by agreement of the parties having an interest in the proceedings. Said resolution shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the approval, denial or denial "without prejudice," of the amendment of the Zoning Ordinance or Map necessary to carry out the general purpose of this Ordinance, and the relationship of the proposed zone change or amendment to applicable general and specific plans.

Section 52.41 Notice of Decision

Within fifteen (15) days from the date of their action on a zone change, the Commission shall notify the applicant by forwarding a copy of the resolution to the applicant at the address shown on the application and shall forward to the City Clerk a copy of said resolution. If the recommendation is for approval, the complete case file shall also be forwarded to the City Clerk.

Section 52.42 Finality of Denial

The action of the Planning Commission denying a zone change application shall be final and conclusive unless within twenty (20) days following the adoption of the resolution by the Planning Commission an appeal in writing is filed with the Clerk of the City Council by the applicant or an interested party.

Section 52.50 Appeal

Upon receipt of a written appeal filed with the City Council by the applicant, or an interested party as provided for in this Section, the Clerk of the City Council shall advise the Planning Director who shall transmit the Planning Commission's case file to the Clerk of the City Council for the hearing.

Within thirty (30) days following receipt of the resolution from the Planning Commission recommending the approval of a zone change, Zoning Ordinance amendment or the filing of a written appeal from an order of the Commission denying an application for a zone change as provided for in this Section, the City Council shall conduct a duly advertised public hearing on the matter, public notice for which shall be given as provided for in Section 51 of this Ordinance.

Section 52.60 Council Findings

The City Council may approve, modify or disapprove the recommendation of the Planning Commission, provided that the City Council may, because of a desire for additional information, or due to the submission of significant new material of evidence, refer any modification of a proposed zone change or Zoning Ordinance amendment back to the Planning Commission for further study and report, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference, or such longer period as may be designated by the City Council, shall be deemed to be a recommendation to the City Council to approve the proposed modification.

Section 52.61 Notice of Decision

The City Council shall announce its findings and decision for approval, denial, or denial "without prejudice," by Ordinance or resolution introduced not more than twenty (20) days following the termination of proceedings of the hearing, or upon receipt of a report from the Planning Commission when a matter has been referred back to the Planning Commission. The Ordinance or resolution shall recite, among other things, the facts and reasons which, in the opinion of the City Council, make the approval, denial, or denial "without prejudice" of the application for the amendment of the Zoning Ordinance or Map necessary to carry out the general purposes of this Ordinance and the General Plan.

Section 52.62 Finality of Decision

The action by the City Council on the application for a zone change or Zoning Ordinance amendment shall be final and conclusive.

Section 52.70 Withdrawal

The Planning Commission or the City Council, at their discretion, may permit the withdrawal of any zone change application or appeal. The Planning Commission or the City Council may abandon any proceeding for an amendment or rezoning initiated by them. Withdrawal of any petitions or appeal shall terminate all proceedings in reference thereto.

Section 52.80 Reapplication

If an application for a zone change is denied by the Planning Commission or the City Council, another request for the same rezoning on the same property or portions thereof, shall not be accepted within a one (1) year period. If the Planning Commission or City Council specifies that a denial of a zone change application is made "without prejudice," or if the Planning Commission or City Council makes a determination that significant new material or facts are present which justify reconsideration of the zone change application and thereby grants specific approval for refiling of the application, said one (1) year waiting period may be waived.

SECTION 53

ENFORCEMENT OF THE ZONING ORDINANCE

Section 53.10 Vested Duty

All departments, officials and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no such permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this Ordinance and any such permit or license if issued in conflict with the provisions of this Ordinance, shall be null and void. It shall be the duty of the Police Chief, Fire Chief, Chief Building Inspector, Public Works Director or the Planning Director to enforce or cause to be enforced the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, removal or addition to any building, sign, structure, building site or parcel of land in the City of Gilroy.

Section 53.20 Penalty and Fine

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any of the provisions of this Ordinance shall be guilty of an infraction, and upon conviction thereof shall be punished as set forth in Government Code Section 36900, as it now exists or may hereafter be amended. The violating party shall be judged to be guilty of a separate offense for each and every day during any portion of which any violation of this Ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided. Nothing in this Ordinance shall be construed as to restrict the right of any individual to pursue redress by civil action of any violation of this Ordinance.

Section 53.30 Declaration of Nuisance

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Ordinance and/or any use of any land, building or premises conducted, operated or maintained contrary to the provisions of this Ordinance shall be and the same is hereby declared to be unlawful and a public nuisance and the City Attorney of the City shall, upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this Ordinance.

The remedies provided for herein shall be cumulative and not exclusive.

SECTION 54 ADOPTION OF THE ZONING ORDINANCE

Section 54.10 Repeal

City Code Sections 6.6 through 6.8, 21A.1 through 21A.5, 24.12 through 24.24, and 25.1 through 25.41, inclusive, and Ordinances 711 and 79-28 of the City of Gilroy and amendments thereto are hereby repealed; and all other Ordinances and parts of Ordinances of the City of Gilroy in conflict herewith are also repealed.

Section 54.20 Validity

If any Section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and Section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more Sections, subsections, sentences, clauses or phrases be declared invalid.

Section 54.30 Reference


This Ordinance shall be known and cited as the Zoning Ordinance of the City of Gilroy.

Section 54.40 Date of Passage

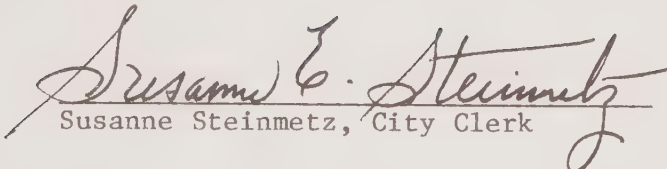
This Ordinance shall take effect in full thirty (30) days from and after its passage and approval. PASSED AND ADOPTED this 15th day of August, 1983, A.D., by the following vote:

AYES:	COUNCILMEMBERS: Albert, Gage, Hughan, Link, Taylor, Valdez, Goodrich
NOES:	COUNCILMEMBERS: None
ABSENT:	COUNCILMEMBERS: None

Approved:


Norman B. Goodrich, Mayor

Attest:


Susanne Steinmetz, City Clerk

INDEX

	SECTION
ACCESSORY BUILDINGS.....	39
ACCESSORY USES.....	39
ADOPTION OF ZONING ORDINANCE.....	54
AGRICULTURE DISTRICT (A1).....	4
ANTENNAS.....	35
APPEALS.....	51
APPLICATION PROCEDURES.....	50
ARCHITECTURAL AND SITE APPROVAL PROCEDURE.....	50
CENTRAL BUSINESS DISTRICT (C2).....	14
COMMERCIAL INDUSTRIAL DISTRICT (CM).....	17
COMMERCIAL USES.....	18
COMMERCIAL SITE AND BUILDING REQUIREMENTS.....	19
CONDITIONAL USE PERMITS.....	50
DEFINITIONS.....	2
DESIGNATION AND ESTABLISHMENT OF ZONE DISTRICTS.....	3
ENFORCEMENT OF ZONING ORDINANCE.....	53
EXCEPTIONS.....	46
FENCES AND OBSTRUCTIONS.....	34
GENERAL INDUSTRIAL DISTRICT (M2).....	21
GENERAL REGULATIONS.....	45
HIGH DENSITY RESIDENTIAL DISTRICT (R4).....	8
HIGHWAY COMMERCIAL DISTRICT (HC).....	16
HILLSIDE RESIDENTIAL DISTRICT (RH).....	9
HISTORIC DISTRICT - NEIGHBORHOOD (HN).....	27
HISTORIC DISTRICT - SITE (HS).....	27
HISTORIC HERITAGE COMMITTEE.....	49, 27
HOME OCCUPATIONS.....	40
INDUSTRIAL SITE AND BUILDING REQUIREMENTS.....	23
INDUSTRIAL USES.....	22
LANDSCAPING.....	38
LIMITED INDUSTRIAL DISTRICT (M1).....	20
MEDIUM DENSITY RESIDENTIAL DISTRICT (R3).....	7
NEIGHBORHOOD COMMERCIAL DISTRICT (C1).....	13
NONCONFORMING USES.....	48
OPEN SPACE DISTRICT (OS).....	24
PARKING.....	31
PARKS (PF).....	25
PERFORMANCE STANDARDS.....	41
PLANNED UNIT DEVELOPMENT.....	26
PLANNING COMMISSION.....	49
PROFESSIONAL OFFICE DISTRICT (PO).....	12
PUBLIC FACILITIES (PF).....	25
PUBLIC HEARING PROCEDURES.....	51



INDEX (cont.)

SECTION

RESIDENTIAL SITE AND BUILDING REQUIREMENTS.....	11
RESIDENTIAL USES	10
RESIDENTIAL DEVELOPMENT ORDINANCE.....	50.6
SHOPPING CENTER COMMERCIAL DISTRICT (C3).....	15
SIGNS.....	37
SINGLE FAMILY RESIDENTIAL DISTRICT (R1).....	5
STREET TREES.....	38
SWIMMING POOLS.....	36
TEMPORARY USES.....	47
TRAILERS	33
TWO FAMILY RESIDENTIAL DISTRICT (R2).....	6
VARIANCES.....	50
YARDS.....	32
ZONING MAP.....	1

BY ZONING DISTRICT ABBREVIATION

A1 AGRICULTURE DISTRICT.....	4
C1 NEIGHBORHOOD COMMERCIAL DISTRICT.....	13
C2 CENTRAL COMMERCIAL DISTRICT.....	14
C3 SHOPPING CENTER COMMERCIAL DISTRICT.....	15
CM COMMERCIAL INDUSTRIAL DISTRICT.....	17
HC HIGHWAY COMMERCIAL DISTRICT.....	16
HN HISTORIC NEIGHBORHOOD DISTRICT.....	27
HS HISTORIC SITE COMBINING DISTRICT.....	27
M1 LIMITED INDUSTRIAL DISTRICT.....	20
M2 GENERAL INDUSTRIAL DISTRICT.....	21
OS OPEN SPACE DISTRICT.....	24
PF PARK/PUBLIC FACILITIES DISTRICT.....	25
PO PROFESSIONAL OFFICE DISTRICT.....	12
PUD PLANNED UNIT DEVELOPMENT COMBINING DISTRICT.....	26
R1 SINGLE FAMILY RESIDENTIAL DISTRICT.....	5
R2 TWO FAMILY RESIDENTIAL DISTRICT.....	6
R3 MEDIUM DENSITY RESIDENTIAL DISTRICT.....	7
R4 HIGH DENSITY RESIDENTIAL DISTRICT.....	8
RH RESIDENTIAL HILLSIDE DISTRICT.....	9

